

THE ADMINISTRATION  
OF AVADH

THE  
ADMINISTRATION OF AVADH  
( 1858-1877 )

by

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## FOREWORD

In 1856 Avadh became British territory and was formed into a chief commissioner's province. Its administrative reorganization, which was undertaken soon after the annexation, was interrupted by the revolt of 1857. The revolt left deep scars on Avadh and necessitated re-thinking on matters of administrative reorganization. The province had its special internal problems arising from the long period of misrule under the nawabs, the presence of a powerful landed aristocracy and of thousands of soldiers who were disbanded after the annexation. Influenced by political considerations, the British Government retained the privileges of the taluqdars, leaving the tenants at their mercy. Even Sir John Lawrence, the Governor-General, despite his sympathy for the under-proprietors and cultivators, failed to give them a fair deal because the taluqdars had in men like Charles Wingfield, the Chief Commissioner, their most powerful supporters.

The system of Avadh administration, like that in the Punjab, was designed on the non-regulation pattern, which provided for the union of executive and judicial functions in one set of officers. This naturally placed a very heavy burden on the Avadh administrative machinery. The province retained its separate identity when it was amalgamated with the North-Western Provinces. The merger, however, was partial; Avadh continued to have much of its previous administrative set-up even after the amalgamation.

One will generally agree with the author that if the entire revenues of Avadh had been spent on providing social services, the people would have been greatly benefited by the new change, but this view does not take note of the limited scope of state activity during this period. Under the circumstances Avadh could not be treated differently. Dr. T.P.



Chand has at places criticised certain aspects of British administration in Avadh. He is of the view that the pursuit of rigorous economy affected the efficiency of administration and abridged the scope of welfare activities. However, in certain spheres, such as education, health services and public works the new rule, he shows, marked a definite advance on the old one. Dr. Chand illustrates it with the help of useful statistical data.

Dr. T.P. Chand's book provides a full-length account of the administration of Avadh from 1858 to 1877. He has dealt with all important aspects of administration and the changes that took place under British rule. The study is based on primary sources and affords ample evidence of the author's industry and maturity of judgment. He has made an impressive contribution to our knowledge of the subject by producing a well-documented, balanced and competent study of British administration in Avadh.

Banaras Hindu University  
October 30, 1971

H. L. SINGH

## PREFACE

The present study is concerned with the administration of Avadh from 1858 to 1877. Although some administrative measures were introduced immediately after its annexation (February 1856), but for all practical purposes there was hardly any administration in the first two years. The revolt in Avadh, following in the wake of its annexation, raged furiously throughout the province, and for a time destroyed every vestige of administration. It was in 1858, when the hostilities ended in the central part of Avadh, that regular measures of administration were vigorously introduced. With 1858 as the starting point, the present study is carried down to 1877—the year when Avadh was amalgamated with the North-Western Provinces and ceased to exist as a separate province.

The history of Avadh is more than of local interest. On account of its significant role in the political life of the country it occupies a special place in the history of the establishment of British power. Ever since its connexion with the East India Company it all along served as a fruitful source of income to the Company. In the earlier phase, it served as a strong buffer and shock absorber and later on it was reduced to the status of a mere vassal.

Although there are several studies on Avadh relating to the pre-mutiny period, no systematic study has been made on the period 1858-1877 when it was administered as a separate province. One finds only casual references in the general histories of India which are mostly the works of English scholars. Curiously enough, Indian writers on the history of Avadh like Syed Kamaluddin Haider, Maulvi Najmul Ghani, Ram Sahai 'Tamanna' and others, writing quite late in the last quarter of the nineteenth century, have

omitted accounts of the post-dynastic period. If one finds stray references about contemporay history, they are quite insignificant and, therefore, of little help in constructing a balanced history of this period

There are a few published works which provide some useful information on this subject. Irwin's *The Garden of India* presents a critical study of the taluqdari system in Avadh while Sarvadhikari's work *The Taluqdari Settlement in Avadh*, based on Parliamentary Papers and Government records, is an attempt to refute Irwin's viewpoint and defend the taluqdari system. The third work, quite a recent one entitled *The Mutiny and British Land Policy in North India* by Jagdish Raj, like the other two, is also a study of land policy which forms only a small part of my study of the administration of Avadh. The present study fills a gap in our knowledge of an important aspect of the history of Avadh during this period.

This work is based on original materials, both printed and unprinted, available in the National Archives of India, New Delhi, and the National Library, Calcutta. These are in the form of Proceedings, Consultations, Despatches, Parliamentary Papers, and published and unpublished Administration Reports.

The information gathered from official records has been checked and verified from other sources wherever they have been available. I have tried to give a reliable and balanced account of the administration of Avadh, based on the study of original materials.

This study makes a definite advance on our knowledge of the administration of Avadh during the period 1858-1877 and, as far as I know, it is the first full-length account of this aspect of the history of Avadh.

I express my thankfulness to the authorities and staff of the National Archives of India (New Delhi), the National

Library (Calcutta) and Gorakhpur University, for the facilities which they extended to me in my research work. I am indebted to those scholars whose works I have utilized in the present book.

I am under obligation to several of my well-wishers and friends who helped me in the completion of this work. I take this opportunity to offer my most sincere thanks to them.

I am also grateful to Dr. H. S. Srivastava, Professor and Head of the Department of History, University of Gorakhpur, for his kind help at various stages.

I owe a deep debt of gratitude to my revered teacher Dr. H. L. Singh, Professor and Head of the Department of History at the Banaras Hindu University, who, besides inspiring me with the love of historical research, guided me throughout my study and supervised my work with zeal and affection.

In the end, I wish to thank Sri P. D. Modi for publishing this book with enthusiasm.

Nov. 2, 1971.

T. P. CHAND

## ABBREVIATIONS

Cons.	...	Consultations
Dept.	...	Department
Ed.	...	Education
For.	...	Foreign
Judl.	...	Judicial
K. W.	...	Keep With
Pol.	...	Political
Progs.	...	Proceedings
P. W. D.	...	Public Works Department
Rev.	...	Revenue
Scey.	...	Secretary

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With the alterations in the district boundaries, the divisional jurisdictions were also reconstituted. The district of Muhammadi-Mullapur was now included in Bahraich Division; Durriabad taken from Lucknow Division was made over to Khairabad Division. In its place, Lucknow Division received the district of Rae Bareli. This arrangement made the districts manageable in size and the divisions compact. It also equalized the revenue of all the districts composing Lucknow, Faizabad, and Khairabad Divisions as shown in the following table<sup>1</sup>:—

Divisions	Districts	Revenue of each district	Revenue of each Division
Khairabad	Mullaon	1,160,454	3,311,851
	Sitapur	1,066,440	
	Durriabad	1,084,957	
Lucknow	Lucknow	1,094,237	3,342,536
	Poorwa	1,170,067	
	Rae Bareli	1,078,232	
Faizabad	Faizabad	1,196,247	3,457,656
	Pratapgarh	1,150,143	
	Mohanganj	1,111,266	
Bahraich	Muhammadi	536,348	1,985,717
	Gonda	813,669	
	Bahraich	635,700	

The revenue of Bahraich Division was kept lower than that of other Divisions because the Government of India was influenced by the consideration that the management of the forests and jungle tracts abounding in that Division would involve additional duty and would add to the labours of the Commissioner of that Division.<sup>2</sup> While the headquarters of Lucknow, Faizabad and Sitapur districts remained unaltered, the headquarters of Durriabad

1. For. Dept., Pol. Cons., 24 April 1857, No. 146.

2. Ibid., No. 146.



district was transferred from Durriabad to Nawabganj.<sup>1</sup> For the remodelled districts, the headquarters were established at Rae Bareilly for the new district of that name; at Unnao for the district of Poorwa; at Hardoi for the district of Mullaon; at Sultanpur for the district of Mohanganj or Sultanpur, and at Pratapgarh for the district of the same name.<sup>2</sup> The headquarters of the Muhammadi-Mullapur district was established at Lakhimpur<sup>3</sup> instead of Kheri as originally proposed, for the former was better suited than the latter.<sup>4</sup>

The inclusion of Muhammadi district in Bahraich Division was found, in due course of time, to be very inconvenient for administrative efficiency. The net-work of rivers on the Ghagra made it impossible for the Commissioner of Bahraich to reach the district of Muhammadi during the greater portion of the year except by the route of Bahramghat, which necessitated his leaving of his own Division.<sup>5</sup> Similarly, the district of Durriabad ought to have been attached to Lucknow, and not to Khairabad Division. Its annexation to Lucknow would certainly make that a very compact Division stretching from the Ganga to the Ghagra river.<sup>6</sup> These considerations resulted in 1860 into another redistribution of the districts.<sup>7</sup> In consequence of the new grouping of the districts, Lucknow Division now contained the districts of Lucknow, Durriabad and Unnao with divisional headquarters at Lucknow. Even after this redistribution, frequently there occurred some confusion from the fact that the names of certain divisions and districts did not coincide with those of their headquarters. For example, the

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1. For. Dept., Pol. Cons., 8 April 1859, No. 670-71.

2. For. Dept., Pol. Cons., 24 April 1859, No. 146.

3. For. Dept., Pol. Cons., 18 February 1859, No. 133.

4. Ibid., No. 130.

5. For. Dept., Pol. Cons., 3 February 1860, No. 254.

6. For. Dept., Pol. Cons., 3 February 1860, No. 254.

7. Ibid., No. 256.

title of the "Bahraich Division" to the division whose headquarters were situated in the city of Faizabad led to great delay in the transmission of letters addressed to the Commissioner of that division, which were often mis-sent to Bahraich.<sup>1</sup> To prevent such delay and confusion, the name of Bahraich Division was changed to "Faizabad Division."<sup>2</sup> For the same reason, the names of certain other divisions were changed in May, 1867. Khairabad Division was named as Sitapur Division and Baiswara as Rae Bareli Division. The name of Durriabad district was changed to Nawabganj (Barabanki) and that of Muhammadi to Lakhimpur Kheri.<sup>3</sup>

Thus, finally constituted, there were four Divisions in the province of Avadh, viz., (1) Lucknow Division, comprising the districts of Lucknow, Unnao, and Barabanki, (2) Sitapur Division, comprising the districts of Sitapur, Hardoi, and Lakhimpur Kheri, (3) Rae Bareli Division, comprising the districts of Rae Bareli, Sultanpur, and Pratapgarh, (4) Faizabad Division, comprising the districts of Faizabad, Gonda, and Bahraich.

### Form of Administration

The newly acquired kingdom of Avadh was formed into a non-regulation province and the entire administration was placed in charge of a Chief Commissioner who was immediately under the orders of the Governor-General-in-Council. The administration was proposed to be conducted as nearly as possible in accordance with the system which had been eminently successful in the province of Punjab.<sup>4</sup> The Chief Commissioner was given a Civil Secretary, and a Military Secretary to correspond through them with the

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1. For. Dept., General Cons., June 1862, No. 21.

2. For. Dept., General Cons., June 1862, No. 22.

3. For. Dept., General Cons., May 1867, No. 72-3.

4. For. Dept., Pol. Cons., 6 June 1856, No. 193, paras 2-3.

Government and all other authorities on all subjects, administrative as well as political.<sup>1</sup> In the administration of the province he was assisted by a Commission consisting of a Judicial Commissioner, a Financial Commissioner, Commissioners of Divisions, Deputy Commissioners, Assistant Commissioners, and Extra Assistant Commissioners. Having regard to the area and the supposed revenue of the province, the Governor-General-in-Council appointed, in first instance, four Commissioners, twelve Deputy Commissioners, eighteen Assistant Commissioners, and eighteen Extra Assistant Commissioners. As soon as the new system of administration had been fairly established, other departments were to be organized. Since the office of Audit and Account, specially for the province of Avadh, was, considered unnecessary, the duties of this department were entrusted to the officers of the North-Western Provinces stationed at Agra, who were directed to keep everything entirely separate relating to the receipts and disbursements of the province of Avadh.<sup>2</sup>

Some important changes were introduced in October, 1858 in the number, position and functions of the members of the Commission.<sup>3</sup> In view of the existing circumstances of the province the number of Assistant Commissioners was increased to twentyfour, giving two Assistants and one Extra Assistant to every district, with six extra officers for those which were more heavily worked.<sup>4</sup> This strength of the governing officers was, however, kept open to variation according to the requirements of the administrative work. In 1858, the office of the Financial Commissioner was proposed not to be revived until the Chief Commissioner was unable to do without the assistance of such an officer. The duties belonging to the Financial Commissioner were transferred to the charge of the Chief Commissioner.<sup>5</sup> Similarly,

1. Ibid., paras 72-3.

2. For. Dept., Pol. Cons., 6 June 1856, No. 193, paras 3-6.

3. For. Dept., Pol. Cons., 27 May 1859, No. 366 A. para 265.

4. For. Dept., Pol. Cons., 5 November 1858, No. 193.

5. For. Dept., Pol. Cons., 21 January 1859, No. 278.

the post of a separate Inspector of Prisons was also dispensed with,<sup>1</sup> and the management of all jails was placed under the control of the Judicial Commissioner.<sup>2</sup> Later on, as the settlement operations progressed in Avadh, a serious controversy arose between the Governor-General and the Chief Commissioner over the rights of occupancy in land, and an inquiry into the nature and character of the landed tenures in a thorough and impartial manner became necessary.<sup>3</sup> In October 1864, therefore, the Financial Commissionership was revived to conduct the necessary investigations.<sup>4</sup> However, after the revenue settlement had been almost completed this office was again abolished in 1871, and all powers conferred upon the Financial Commissioner were transferred to the Chief Commissioner under Section 2 of Act XI of 1871.<sup>5</sup>

### **Powers of the Governing Officers<sup>3</sup>**

#### *(i) The Chief Commissioner :*

As head of the Commission in Avadh, the Chief Commissioner possessed plenary authority and control in all departments of administration. He was directly responsible for the organization and direction of the police both military and detective. In the departments of Civil Judicature, Police and revenue supervising authority being exercised by the Judicial and Financial Commissioners, he was the channel of communication with the Supreme Government. In the Revenue Department, he was authorized to resume all holdings pronounced invalid after inquiry and to dispose of all claims to all grants of land rent-free not exceeding 50

1. For. Dept., Pol. Cons., 24 December 1858, No. 110.

2. For. Dept., Pol. Cons., 27 May 1859 No. 366 A, para 266.

3. For. Dept., Rev. Cons., February 1865, K.W.No. 136-37.

4. For. Dept., Rev. Cons., February 1865, No. 136.

5. For. Dept., General Cons., May 1871, No. 9.

6. The judicial powers of these officers have been described in the chapter on Judicial Administration.

acres. The Chief Commissioner conducted all business of a political nature such as communication with the King and his family, and matters relative to their stipends. All charges for the new establishments were passed in contingent bills on his authority. He could sanction expenditure not exceeding Rupees ten thousand from the general revenues for the construction of any single public work and grant payment of compensation for lands taken up for public purposes. It was his duty to submit an annual report in each department of administration, compiled from the returns submitted by the Judicial and Financial Commissioners, and the Commissioners of Divisions, detailing the work performed by the subordinate officers, and remarking on their merits and deficiencies together with comments on the state of administration in the province.<sup>1</sup>

(ii) *The Financial Commissioner :*

The duties of the Financial Commissioner in Avadh were almost analogous to those performed by the Sadar Board of Revenue in the North-Western Provinces. He had to direct and superintend all branches of revenue administration, introduce system, regularity and order in the collection of the revenue, and had to carry out measures best calculated to inspire the people with confidence in the moderation and good faith of the British Government. He directed and controlled all survey settlements, sanctioned all summary settlements, and remission of balances in estates temporarily settled. He could revise revenue proceedings of the Commissioners, dispose of finally all claims to grants of land rent-free under 10 acres, and grant *Takavi* for construction of wells or other works of permanent utility to an extent of Rupees five hundred in each case. Besides, all matters connected with revenue, settlement, surveys, stamps, excise, and pensions were placed under him. Questions regarding projects for the extension of irrigation, preservation of

1. For. Dept., Pol. Cons., 6 June 1856, No. 193, paras 67-79.

forests, and development of the resources of the country passed through him to the Chief Commissioner.<sup>1</sup> In addition to these powers, he possessed the powers of a High Court under Act XVI of 1865, and Act XIX of 1868 in certain classes of cases, particularly in suits relating to the title or succession to land. In the districts under settlement, the Financial Commissioner was the final authority in all suits relating to land revenue.<sup>2</sup>

(iii) *The Judicial Commissioner :*

In addition to his judicial functions, the Judicial Commissioner was charged with the duty of carrying into effect the system of judicial administration, both in the Civil and Criminal departments along with the management and control of jails.<sup>3</sup> He had also to look after the establishment and management of the public ferries, and the introduction and supervision of the system of town duties. On these subjects his orders were final, but it was desired that he should obtain the approval of the Chief Commissioner before issuing any important circular or general order regarding them. The local funds, arising either from *nazul* property, road fund, public ferries, town duties or otherwise were under the control of the Judicial Commissioner, and he had authority, subject to the concurrence of the Chief Commissioner, to sanction expenditure from that fund upto Rs. 10,000 for any work provided that the proceeds of each fund were devoted only to those special purposes for which it was designed. The Judicial Commissioner was authorized also to pass contingent bills in his department to the extent of Rs. 500 for one work and to sanction temporary establishments for extraordinary purposes for a period of six months.<sup>4</sup>

1. For. Dept., Pol. Cons., 6 June 1856, No. 193, paras 89-100.
2. For. Dept., General Cons., May 1871, No. 10.
3. For. Dept., Pol. Cons., 21 January 1859, No. 278.
4. For. Dept., Pol. Cons., 6 June 1856, No. 193, paras 84-8.

*(iv) Commissioners of Divisions:*

Each Division in the province of Avadh was in charge of a Commissioner who was responsible to the Chief Commissioner for the administration of his division. The Divisional Commissioners were the Commissioners of revenue and Superintendents of Police in their divisions. In these departments, they performed the functions of the officers of the same denomination in the North-Western Provinces, but they exercised stricter control over the Deputy Commissioners than was required of them in the Regulation provinces.<sup>1</sup> The general executive superintendence of the district roads, local improvement funds, and *nazul* buildings, etc., was also vested in the Commissioners.<sup>2</sup> They had the power to pass contingent charges in the Judicial department upto Rupees hundred, and in the revenue department upto Rupees five hundred.<sup>3</sup>

*(v) Deputy Commissioners, Assistant and Extra Assistant Commissioners:*

Subordinate to the Commissioners were twelve Deputy Commissioners, three in each Division. They were the representatives of the Government in all its branches in their respective districts, and to them was entrusted the general welfare of the people in their jurisdictions.<sup>4</sup> In the departments of revenue, police, and criminal justice, the Deputy Commissioners exercised full powers of a Magistrate and Collector, as specified in the Regulations applicable to the Ceded and Conquered Provinces. In their multifarious duties, they were assisted by Assistant and Extra Assistant Commissioners. The Deputy Commissioners were authorized to use their discretion in making over to their subordinates such portion of their work in these departments as they

1. For. Dept., Pol. Cons., 6 June 1856, No. 193, paras 101-02.

2. For. Dept., Pol. Cons., 21 January 1859, No. 278.

3. For. Dept., Pol. Cons., 22 October 1858, No. 187.

4. Avadh Administration Report, 1872-3, para 39.

considered proper.<sup>1</sup> But, the efficiency of the administration in the district depended much upon the energy and personal character of the Deputy Commissioner. The Deputy Commissioners, Assistant Commissioners, and Extra Assistants were divided into three grades to which different scales of salary were assigned.<sup>2</sup>

The functions and powers of the Assistant Commissioners were determined by the class to which they belonged. The Assistant Commissioners of first class held the same position which the Joint Magistrates and Collectors held in the neighbouring North-Western Provinces, and the Assistant Commissioners of second class exercised the special powers of an Assistant Magistrate and Collector.<sup>3</sup>

The Extra Assistant Commissioners consisted of uncovenanted servants of every class and religion. They were vested with judicial, as well as fiscal and magisterial powers. In the Magisterial and revenue departments, the powers of the Extra Assistants were determined by the Judicial Commissioner on report from the Commissioners of Divisions with due reference to their past career, knowledge and experience.<sup>4</sup>

(vi) *Tahsildars* :

At the lowest ring of the ladder in the official hierarchy of the province were the Indian tahsildars, who were in charge of the subdivisions commonly called 'Tahsils', in

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1. For. Dept., Pol. Cons., 6 June 1856, No. 193, paras 111-12.
  2. The salaries of Deputy Commissioners varied from Rs. 1,000 to Rs.1,500 and of the Assistant Commissioners from Rs. 500 to Rs. 100. The Extra Assistants of 1st., 2nd., and 3rd class received Rs. 600, Rs.400, and Rs. 250 per mensem, respectively. Vide For. Dept., Pol. Cons., 6 June 1856, No. 193, para 4.
  3. For. Dept., Pol. Cons., 6 June 1856, No. 193, paras 113 and 115.
  4. For. Dept., Pol. Cons., 6 June 1856, No. 193, para 117.



which a district was divided. The tahsildars were the principal agents of the Deputy Commissioners in the interior of the districts, and their duties, on a smaller scale, were almost as various as those of the Deputy Commissioners themselves. The tahsildars collected the revenues, and conducted all business connected with land. Besides, they were invested with the same petty magisterial jurisdiction, which was enjoyed by the same rank in the Punjab. However, the extent of judicial powers exercised by them were determined by the Chief Commissioner on the basis of their qualifications, integrity and ability.<sup>1</sup>

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1. For. Dept., Pol. Cons., 21 January 1859, No. 278.

## CHAPTER II

# JUDICIAL ADMINISTRATION

### System of Judicial Administration

The Civil Courts as established in the older provinces had proved distasteful to the people because the law administered by them was encumbered with many technicalities, which generally favoured groundless and vexatious litigation and prevented the prompt dispensation of justice. The people of Avadh had been fully familiar with the evils of judicial courts in the North-Western Provinces which surrounded Avadh.<sup>1</sup> It was, therefore, decided to introduce in Avadh, a comparatively cheap, accessible and expeditious administration of justice like that of the Punjab, which was looked upon with favour because of its simpler rules.<sup>2</sup>

In 1854, some 'Rules for the better administration of civil justice in the Punjab' had been prepared, and enforced with the consent of the Governor-General-in-Council in the Punjab on the authority of the Chief Commissioner. These rules, which guided the proceedings of the judicial courts in the Punjab, were found suited to the requirements of a new province. They were easy in application and acceptable to the people and the officers alike. The Government of India instructed that these rules should be made the basis of the civil judicial system in Avadh.<sup>3</sup> Thus, the principles of law applicable in the Punjab were to guide the judicial officers of Avadh in the administration of civil justice. But, the *lex loci* was to play an important role, especially in matters relating to inheritance, marriage, divorce, adultery, adoption, wills legacies, and partition. Avadh and Punjab,

1. For. Dept., Pol. Progs., 27 May 1859, No. 366 A.

2. For. Dept., Pol. Progs., 6 June No. 193, para 43.

3. For. Dept., Political Progs., 6 June 1856, No. 193, para 44.

though identical in many respects, differed widely in their local traditions and usages. The provisions of law, therefore, based on the *lex loci* of the Punjab could not be applied in Avadh without risk of injurious consequences. Besides this, the principles of the Punjab law were to be accepted to the extent they could be applicable to the peculiarities of the province, and the customs of its people.<sup>1</sup> The Governor-General-in-Council desired that the district and divisional officers should study the principles of law in their daily application to the civil business brought before the court, and report to the chief judicial authority the opinion which they might have formed of the applicability of the rules to the people of Avadh together with their suggestions. On the receipt of these reports, the chief judicial officer would recast the collection of the rules of law, introducing such modifications as might appear advisable and which did not tend to introduce those complications and technicalities the removal of which was the main object.<sup>2</sup> The system of Avadh law was, therefore, an adoption of the Punjab law to the needs of Avadh. The Punjab law itself was only an adoption of the Bengal Regulations to the needs of the Punjab. Then it follows that the law of Avadh was, in fact, "the spirit of the Bengal Regulations; and it was doubly distilled first in its progress from Bengal to the Punjab, and secondly in its progress from the Punjab to Oudh; and it was doubly rectified, first by Punjab custom, and secondly by Oudh custom."<sup>3</sup>

In the administration of criminal justice, the Governor-General-in-Council wished to have the regulations governing the proceedings of the older provinces in this department, to be introduced and practised in Avadh in regard to the methods of apprehension of offenders, the crimes cognizable by the magistrates and those committable to session courts,

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1. Ibid., para 45.

2. For. Dept., Pol. Progs., 6 June 1856, No. 193, para 46.

3. Supplement to the Gazette of India, 14 October 1876, p. 1086.

the sentences to be awarded on conviction of different crimes, and appeals.<sup>1</sup> In the Punjab, the tahsildars had been invested with authority to try petty criminal cases. The object of investing them with such power was to obviate the inconvenience and distress to which people were exposed by being obliged to travel to considerable distances from their homes for obtaining a hearing in the most trivial cases. If due care was taken in employing only qualified and trustworthy men in these duties, there could be no doubt that the system was beneficial, both to the people and to the officers charged with the administration. Hence the Governor-General-in-Council desired that it should be introduced in Avadh.<sup>2</sup>

Such was the system of judicial administration, which the Avadh administration proceeded to put in operation. Hardly had these measures been introduced when, "the whirlwind of rebellion had swept over the province of Oudh, and removed all traces of civil administration."<sup>3</sup> From June 1857, till 1 January 1859, all courts of civil judicature had, of necessity, remained closed. On 28 January 1858, before the peace could finally be restored, James Outram, the then Chief Commissioner of the province, submitted a memorandum embodying his views regarding the system of civil administration to be introduced in Avadh after the complete subjugation of the country for the perusal of the Governor-General-in-Council. In his memorandum he offered the following suggestions.<sup>4</sup> :—

(1) The office of the Judicial Commissioner should be abolished; his executive functions should be vested in the Chief Commissioner; and his judicial powers should be entrusted to one officer to be called the judge."

(2) The Native judicial agency should be dispensed with as far as possible.

1. For. Pol. Progs., 6 June 1856, No. 193, para 52.

2. Ibid., para 54.

3. For. Dept., Pol. Progs., 27 May 1859, No. 366 A, para 208.

4. For. Dept., Pol. Progs., 5 November 1858, No. 192.

(3) No appeal should be allowed in criminal cases. Only English abstracts of the proceedings should be submitted monthly for the revision of appellate authorities.

(4) Only one appeal should be allowed in civil suits with the exception of cases involving rights in land.

(5) The oaths in courts should be administered on the Ganges water, and the Koran.

(6) The native bar and the native written evidence should be abolished and a system of oral examination with the evidence recorded in English should be adopted.

The Government of India on receipt of suggestions from James Outram transmitted comprehensive instructions to the Avadh Commission regarding the reorganization of administration on the reoccupation of the province.<sup>1</sup> The despatch conveyed that the system introduced into Avadh on the assumption of the government in 1856 should be adhered to; that the same courts should be established; and that same powers should be confided to each.<sup>2</sup> A few but important changes were introduced in the position and functions of the members of the Avadh Commission.<sup>3</sup> The office of the Judicial Commissioner was considered indispensable to relieve the Chief Commissioner from all Judicial duty in anticipation of arduous and important task which would devolve upon him in re-establishing the British authority and building up a system of government in the revolted province. The duty of organizing the police force, which had hitherto been assigned to the Judicial Commissioner, was transferred to the Chief Commissioner. The Judicial Commissioner was now charged not only with the task exercising judicial functions, but also with the duty of carrying into effect the

1. For. Dept., Pol. Progs., 5 November 1858, No. 193. (Letter No. 3502 dated 6 October 1858).

2. For. Dept., Pol. Progs., 27 May 1859, No. 366 A, para 265.

3. Ibid., para 265.

system of judicial administration in both civil and criminal departments along with the management of jails.<sup>1</sup> Accordingly, George Campbell was appointed Judicial Commissioner for the province of Avadh.<sup>2</sup>

### **Powers and Functions of the Tribunals**

As we have observed before, Avadh was administered on the usual non-regulation pattern. The most remarkable feature of this system was the union of executive authority and judicial powers of all kinds, civil, criminal, and rent in the hands of one class of officers, whereas in regulation provinces all civil judicial work was disposed of by a separate staff of judges.<sup>3</sup>

The Chief Commissioner of Avadh was vested with plenary authority and control in the departments of administration. In the department of criminal justice all trials in which the Judicial Commissioner might award capital sentence were submitted to him, and without his concurrence no such sentence could be inflicted.<sup>4</sup>

Under the Chief Commissioner, there was a Judicial Commissioner who was the virtual head of the judicial department charged with the supervision and control of the administration of civil and criminal justice. He was the final authority in all cases of judicial character. In civil suits, the decision of a Commissioner was ordinarily final, but the Judicial Commissioner, on sufficient cause being shown by a dissatisfied party or in the event of such course appearing from the the periodical returns, or from any other reason desirable, could call for the record of any civil case, and pass such orders as might appear just.<sup>5</sup> In criminal cases, finally decided by the Commissioner of divisions, the Judicial Commissioner exercised the same power. In trials

1. For. Dept., Pol. Progs., 21 January 1859, No. 278.

2. For. Dept., Pol. Progs., 5 November 1858, No. 193.

3. H.C. Irwin, *The Garden of India* (London, 1880), p. 23.

4. For. Dept., Pol. Progs., 6 June 1856, No. 193, paras 67-9.

5. *Ibid.*, paras 80-1.

referred to him for his orders by the Commissioners of divisions, he was authorized to award sentence of imprisonment for life in transportation beyond seas. Cases, in which the Judicial Commissioner might consider capital sentence necessary, were invariably to be referred to the Chief Commissioner for his approval.<sup>1</sup> The Chief Commissioner reserved to himself the prerogative delegated to him by the Supreme Government, of pardoning any person sentenced or mitigating it on other than judicial grounds.<sup>2</sup>

### Commissioners

In civil cases, the Commissioners of Divisions were courts of appeal rather than courts of first instance. In cases of appeals to their courts from the decisions of the Deputy Commissioners, the decisions of the Commissioners were ordinarily to be final. As Sessions Judges also their verdict was ordinarily to be final. The only cases which the Commissioners were required to refer to the Judicial Commissioner were those involving capital sentence or sentence of life imprisonment in transportation beyond seas. In less serious cases he was empowered to sentence to 14 years' imprisonment and two years additional in lieu of stripes.<sup>3</sup> He could inflict corporal punishment not exceeding 200 lashes and impose fines without any limit. Such fines could be realized by distress or by any other means used for the realization of the land revenue.<sup>4</sup> If, in any case within his competency, the Commissioner of a division considered the punishment he was authorized to pass insufficient, he was required to refer it to the Judicial Commissioner for his orders. In order to render the administration of criminal justice more prompt, to relieve parties and witnesses from the expense of attendance on distant courts, and to lessen the

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1. For. Dept., Pol. Progs., 6 June 1856, No. 193, para 82.

2. For. Dept., Pol. Progs., 21 January 1859, No. 278.

3. For. Dept., Pol. Progs., 6 June 1856, No. 193, paras 101-104.

4. For. Dept., Pol. Progs., 21 January 1859, No. 278.

burden of judicial duty on Commissioners, the Commissioners were empowered to pass sentences on the record of the trial of the Deputy Commissioner's court in following classes of committed cases :—

(1) Cases within the final cognizance of the Commissioners, on which a sentence not exceeding 9 years was legally awardable, if committed, could be tried and sentence passed upon the proceedings of the Deputy Commissioner without the attendance of the parties and witnesses.

(2) In cases requiring punishment exceeding 9 years' imprisonment, regular trial was to be held by the Commissioners if the plea of "not guilty" had been entered before the Deputy Commissioner or other competent officer. Where the prisoner had voluntarily confessed his guilt before the Deputy Commissioner, trial could be held on the records of the lower court.

(3) Where the Commissioner, on the perusal of the proceedings of the committing officer considered that the prisoner was entitled to release, he could pass sentence of acquittal without summoning the parties and witnesses. In hearing appeals the Commissioner was authorized to enhance the punishment passed by the lower court and to reverse the sentence whenever he deemed it fit.<sup>1</sup>

### **Deputy Commissioners**

The Deputy Commissioners were also civil judges of the respective districts. They were empowered to try all original suits for property exceeding in value Rs. 1,000. An appeal from their decision in such cases lay to the Commissioner. In addition, the Deputy Commissioners exercised appellate authority in respect of all decisions passed by their assistants in original suits. From their orders on such first appeal, a second or special appeal lay to the Commissioners, whose judgments were ordinarily final. In the criminal

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1. For. Dept., Pol. Progs., 6 June 1856, No. 193, para 104-06.



branch, the Deputy Commissioners exercised full powers of a magistrate as mentioned in the regulations applicable to the North-Western Provinces.<sup>1</sup> They were invested with power to pass sentence of imprisonment for terms exceeding 7 years and to award corporal punishment upto 100 lashes. They could impose fines not exceeding Rs. 10,000.<sup>2</sup>

### **Assistant Commissioners**

The Assistant Commissioners were empowered to try civil suits of smaller amounts. Covenanted Assistant Commissioners decided original suits to the extent of Rs. 1,000. Uncovenanted Assistants held the jurisdiction in original suits to the extent of Rs. 500. In criminal branch, the Assistant Commissioners of the first class held the same position as joint magistrates and Deputy Collectors held in the North-Western Provinces and exercised the same powers. They were sanctioned the power of sentencing to imprisonment for any period not exceeding 3 years, and of imposing fines upto Rs. 1,000. They were not allowed to pass corporal punishment. But an Assistant Commissioner with full powers could pass sentence of corporal punishment to the extent of 50 lashes, submitting such sentence in every case before execution to the Deputy Commissioner for confirmation. The power of corporal punishment was deliberately restricted to the hands of those only who could be relied upon in their judgment and discretion because in such sentences an appeal was of no avail, and the injustices, if really done, could not be remedied.<sup>3</sup>

The Assistant Commissioners of the second class were empowered to exercise the special powers of an Assistant Magistrate and Collector, as laid down in Regulation 9 of 1807, 3 of 1821, and Section 21, Regulation 8 of 1831. Appeals from their decision as well as from the decision of

1. For. Dept., Pol. Progs., 6 June 1856, No. 193, paras 107-11.

2. For. Dept., Pol. Progs., 5 November 1858, No. 193.

3. For. Dept., Pol. Progs., 5 November 1858, No. 193.

the Assistant Commissioners, third class and the Extra Assistant Commissioners, in the department of criminal justice were to lie to the Deputy Commissioners. The powers of the Extra Assistant Commissioners, if they happened to be employed in the magisterial department, were to be determined by the Judicial Commissioner.<sup>1</sup>

### **Tahsildars**

One distinguishing feature of the Punjab system had been the employment of the tahsildars in place of a separate class of judicial officers, called *Munsifs* in the North-Western Provinces, in the administration of civil justice. The effect of this measure had been to make justice cheaper, to reduce the expenses of litigation, and to encourage the amicable adjustment of suits. The Governor-General-in-Council desired that such a beneficial measure be introduced in Avadh.<sup>2</sup> Tahsildars, therefore, in Avadh were invested with the power of trying suits upto the value of Rs. 300.<sup>3</sup> Though the right of appeal was allowed to the parties in a suit, yet to secure the due regard for justice in the subordinate courts, the District officials were empowered to revise the decisions of tahsildars even though no appeal had been preferred.<sup>4</sup> For the prompt disposal of petty cases of misdemeanour, and for the general convenience of the public, some of the tahsildars were invested with limited judicial powers to hear and decide charges of minor assault, abuse and petty larceny.<sup>5</sup>

In addition to these officers, who combined judicial and executive powers in themselves, some special judicial officers and courts had been established for the dispensation of justice in the provinces of Avadh. These judicial officers

1. For. Dept., Pol. Progs., 6 June 1856, No. 193, paras 115-17.

2. For. Dept., Pol. Progs., 6 June 1856, No. 193, paras 115-17.

3. Ibid., para 109.

4. For. Dept., Pol. Progs., 27 May 1859, No. 336 A, para 208.

5. Ibid., para 204.

were the Civil Judge of Lucknow, Small Cause Courts' Judges and the Honorary Assistant Commissioners.

### **Civil Judge**

In addition to the officers of the Commission, a special officer was appointed for the Lucknow Civil Court. Before the revolt, the work of the civil court of Lucknow had been exceedingly onerous, and to cope with the work, a European City Munsif had been appointed. In 1858, when the courts were reopened, a qualified Assistant Commissioner decided the civil suits in the Lucknow court. But it was difficult to have the services of a qualified and experienced officer owing to the frequent changes in the Commission. Moreover, the growing business of the civil court was anticipated to become heavy before long for an Assistant who had to perform a number of administrative works besides judicial duty.<sup>1</sup> The Judicial Commissioner, therefore, with the concurrence of the Chief Commissioner, proposed the appointment of a full time separate and permanent Civil Judge of experience, calibre, and legal attainments for the Lucknow Court who should be appointed preferably from the best Small Cause Court Judges at the Presidency towns, and should be placed on the footing of Deputy Commissioners in respect of pay and promotion.<sup>2</sup> In September 1859, the Supreme Government sanctioned the post of a judge for the civil court of Lucknow on a salary of Rs. 1,000 per mensem.<sup>3</sup> Fraser, Principal Sadar Amin of Jhansi, was the first incumbent of this post. The Civil Judge was invested with the powers of a Deputy Commissioner in disposing of original suits and appeals from the decisions of Assistant Commissioners were to lie to him. Appeals from decision of the Civil Judge were made direct to the Judicial Commissioner of the province. Investiture of the Civil Judge with such powers

1. For. Dept., Pol. Progs., 27 May 1859, No. 410.

2. For. Dept., Pol. Progs., 27 May 1859, No. 411.

3. For. Dept., Pol. Progs., 30 September 1859, No. 219.

was in contravention of para 25 of the order of the Government of 6 October 1858, which ruled that there would be a second appeal when the first appellate court reversed the decision of the court of first instance. But this restriction of the right to appeal was advantageous as it relieved the Commissioner of Lucknow Division who had twice as much work as any other Commissioner.<sup>1</sup>

### Small Cause Courts

Small Cause Courts had been established under Act XLII of 1860 and found successful in other provinces. The Government of India, therefore, desired that such a court should be established at Lucknow in the province of Avadh, for there was probably no place in India beyond the Presidency towns where such a court could be established with a greater prospect of success.<sup>2</sup> Besides, the number of cases triable by a Small Cause Court was sufficiently large. In 1864, there were 2,905 such cases of which the Assistant Civil Judge alone decided 2,406 while the largest number of cases instituted in any court of Small Causes in the North-Western Provinces was 2,079.<sup>3</sup> However, the Judicial Commissioner did not favour the proposal for the institution of a court of small causes partly on account of the additional expenditure and partly on account of injustice and error which were likely to occur in the decisions of Small Cause Court without being open to appeal.<sup>4</sup> But, the Governor-General-in-Council concurred with the Chief Commissioner that, in the first instance, a court of small causes should be established in the city of Lucknow. The judge of this court was to exercise a pecuniary jurisdiction to the amount of Rs. 1,000 under Act XLII of 1860. The expenses of the court, it was expected, would be covered by the sale of

1. For. Dept., Po'. Progs., 30 September 1859, No. 218.

2. Home Dept., Judl. Progs., April 1865, No. 51.

3. Home Dept., Judl. Progs., April 1865, No. 52.

4. Home Dept., Judl. Progs., April 1865, No. 53.

stamps used in its proceedings. On the establishment of the Small Cause Court, Assistant judgeship of the civil court was to be abolished.<sup>1</sup> But before the court of small causes could be established in the city of Lucknow, two Small Cause Courts were opened in the cantonments of Lucknow and Faizabad in 1865.<sup>2</sup> In March 1866, the Small Cause Court was sanctioned for the city of Lucknow,<sup>3</sup> and Lincoln was appointed the judge of that court on a salary of Rs. 800 per month rising to Rs. 1000 by two increments of Rs. 100 each after interval of two years.<sup>4</sup> The territorial jurisdiction of the Small Cause Court was fixed to be the same as those of the Municipality of Lucknow excluding the cantonments.<sup>5</sup>

In 1874, there were four courts of small causes in the province of Avadh; two in Lucknow and one each in Faizabad and Sitapur. Since its establishment, the Small Cause Court in Lucknow proved a decided success and people preferred it to the regular civil court. The following statement gives the number of cases instituted in these courts:—

	Years					
	1869	1870	1871	1872	1873	1874
Lucknow City	2,864	3,205	3,325	4,510	4,866	4,241
Lucknow Cantonment	1,064	983	834	717	840	600
Sitapur						
Faizabad						

### Honorary Assistant Commissioners

In the pre-annexed Avadh, the taluqdars exercised considerable judicial and revenue authority within the limits of their estates and the Government never interfered

1. Home Dept., Judl. Progs., April 1865, No. 54.
2. Avadh Adm. Report, 1865, para 22.
3. Home Dept., Judl. Progs., March 1866, No. 5.
4. Ibid., No. 6.
5. Home Dept., Judl. Progs., May 1866, No. 34.

with it. Under the new system of administration they were placed in subordination to tahsildars or other local revenue officials. The taluqdars greatly disliked such subordination and actually felt the spirit of litigiousness and disrespect that was being fostered in their tenancy by the new system. Many of the taluqdars expressed their desire to the Chief Commissioner that if they could be granted the same revenue jurisdiction as the Raja of Banaras enjoyed within the limits of his estate, they would be satisfied.<sup>1</sup> The Government of India admitted that since the taluqdari system had been revived in Avadh in perpetuity, the authority of the taluqdars should within wholesome limits be sustained and their influence be directed to the purposes of good government as no government which set their influence aside could be acceptable to the people or successful.<sup>2</sup> It was, therefore, decided that certain taluqdars should be granted limited revenue jurisdiction in their estates and they should be invested with magisterial powers. Revenue authority was to be conferred only upon a taluqdar, who had given leases to every tenant holding directly under him. It was proposed to invest the same taluqdar with magisterial powers of an assistant magistrate to be extended to full powers of a magistrate as they proved their ability to exercise enhanced authority. They were not allowed to issue orders of a general nature to the police. They were required merely to try the offenders brought before them by the police according to the rules of Criminal Procedure. This privilege proposed to be conferred was purely personal and not hereditary, and the taluqdars were to hold them during good behaviour and on the understanding that it would be withdrawn the moment he proved himself unfit to exercise it. An appeal against the orders and decisions of such taluqdar could be instituted in the court of the Deputy Commissioner.

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1. For. Dept., Pol. Cons., 18 November 1859, No. 129.

2. For. Dept., Pol. Cons., 18 November 1859, No. 130.

The measure was a novel one in the revenue system of British rule and was open to many objections but politically it was expected "to have the effect of making them identify themselves with governing race, and feel themselves a part of the government of the country."<sup>1</sup> In 1860, the Governor-General conferred upon those taluqdars who had been vested with revenue and magisterial powers the authority to try civil cases in which the claim did not exceed Rs. 150 in value. Similar authority was bestowed from time to time upon other taluqdars who were considered worthy of it.<sup>2</sup> The taluqdars of Avadh, it can be said, did not belie the expectation of the Government. They did identify themselves with the 'ruling race' in the administration of the country and in the consolidation of their power. As time passed, the young generation of the taluqdars took pride in entering into the higher grade of government service. In 1871, Lal Mahesh Bux of Pratapgarh passed the examination of Assistant Commissioners for lower standard<sup>3</sup> and during 1872 he was brought on the strength of the Commission as an Assistant Commissioner.<sup>4</sup> In 1873, the number of Honorary Assistant Commissioners was about 50.<sup>5</sup> They rendered regular and efficient aid in the disposal of suits : civil, criminal and revenue.<sup>6</sup>

### Special Civil or Settlement Courts

In Avadh, as there was no separate Financial Commissioner after the reoccupation of the province in 1858, the Chief Commissioner was authorized to perform the duties of the Financial Commissioner. In this capacity the Chief Commissioner was the highest court of appeal in all revenue

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1. For. Dept., Pol. Cons., 18 November 1859, No. 129.

2. Avadh Administration Report, 1860-61, para 23.

3. Avadh Civil Justice Report, 1871, para 28.

4. Ibid., 1872, para 21.

5. Avadh Criminal Justice Report, 1873, para 2.

6. Avadh Civil Justice Report, 1872, para 63.

matters. In 1860 he, however, suggested that when the regular settlement had been completed, all suits of land except claims to large taluqas might be heard in the civil courts, and the Government of India agreed that the question would be considered after the completion of the settlement. Again, on 20 January 1862, the Officiating Chief Commissioner, Yule forwarded to the Government for consideration the opinion of the Judicial Commissioner who advocated that as Act VIII of 1859, extended to Avadh, contained many specific provisions relating to suits for land, all such suits should be brought before the civil courts. The Law member of the Council, Ritchie suggested that the issue should be settled by the Legislature.<sup>1</sup> In consequence, Act XVI of 1865 was passed, which transferred the cognizance of suits relating to land in districts under settlement from the civil to the revenue courts,<sup>2</sup> granting power to the executive government to transfer them at any time to the civil courts, should such course be considered expedient.<sup>3</sup>

On 30 October 1871, Act XXXII was passed, which provided that any district, in which the settlement officers had been invested with the powers of judges for the settlement of land disputes, would "be deemed to be under settlement until such time as the Governor-General shall otherwise direct."<sup>4</sup> On the basis of this provision a formal notification, which brought the settlement to an end, was issued and Special Civil or Settlement Courts were opened in the province of Avadh in 1871 to try suits involving revenue or land disputes.

### Rent Courts

At the end of year 1871, suits under Act XIX of 1868 (The Avadh Rent Act) were transferred to the jurisdiction

1. Parliamentary Papers, House of Commons, 1865, Vol. 40, Paper No. 62, pp. 253-54.
2. Legislative Progs., December 1871, No. 89.
3. Avadh Civil Justice Report, 1872, para 55.
4. Act XXXII of 1871, Chapter III, Section 26, Clause I.



of the Judicial Commissioner and Rent Courts were established to dispose of suits concerning rent.<sup>1</sup> Act XIX divided the courts of revenue into six grades :—

- (1) Courts of the Assistant Collectors of the second class.
- (2) Courts of the Assistant Collectors of the first class.
- (3) Courts of the Deputy Collectors.
- (4) Courts of the Collectors.
- (5) Courts of the Commissioners.
- (6) Court of the Judicial Commissioner.

The Chief Commissioner, under the Act, was empowered to invest the powers of the first three grades to any Assistant Commissioner and to invest any tahsildar with the powers of any of the same grades. The courts of Assistant Collectors, second class were made competent to try and determine suits, of which the subject matter did not exceed Rs. 100 in value or amount. The courts of Assistant Collectors, first class could try and decide suits upto the value of Rs. 500 and the Deputy Collector upto Rs. 5,000 in value or amount. The Court of the Collector was competent to try suits of any description and to hear appeals from the decisions of the Assistant Collectors and Deputy Collectors. The Commissioner was authorized to hear and determine appeals from the decisions of the collectors and Deputy Collectors except in cases otherwise provided under the Act. The Judicial Commissioner accepted appeals from all appealable cases under the Civil Procedure Code from the orders of the Commissioners and entertained special appeals as provided in the Procedure Code from the decisions passed in regular appeals by the Collectors and Commissioners.<sup>2</sup>

### **Laws Administered in the Courts**

As regards the laws of punishment, we have observed in the preceding pages that regulations governing the older provinces were introduced in the courts of Avadh. But

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1. Act XIX of 1868, Chapter 7, Section 84.

2. Act XIX of 1868, Chapter 7, Sections 85-93.

before these regulations could properly be introduced the great Revolt of 1857 broke out. The cruel necessities of this Revolt gave birth to a series of special laws which armed the magistrates with large powers to deal with prompt hand severe measure of justice to all lawless offenders. In Avadh, where anarchy reigned supreme and respect for law had been utterly discarded, these special Acts were extended.<sup>1</sup> Act XVI of 1857 provided for punishment for murder, rape, maiming, dacoity, robbery, burglary, knowingly receiving property obtained by dacoity, robbery or burglary, breaking and entering a dwelling house and stealing therein, etc., by death, transportation for life or imprisonment with hard labour for any term not exceeding 14 years. Act XIV of 1857 provided for punishment for certain offences relating to the army and offences against the State, and Act XVII of 1857 provided for the apprehension and trial of Indian officers and soldiers for mutiny and desertion. These acts, re-enacted for one year more by Act XXII of 1858<sup>2</sup> continued in operation in Avadh. All Commissioners and Deputy Commissioners in the province were invested with special powers under Act XXII of 1858<sup>3</sup>, and a proclamation for disarming the inhabitants was issued.<sup>4</sup> Act XVI of 1857 adequately provided punishment for heinous offences except the crime of riot or affray with violence, a crime expected to be of frequent occurrence in Avadh. The Government of India considered it essential that in Avadh where the avowed hostile temper of the whole population was obviously manifest, the criminal justice should be administered severely. To meet this end, the Governor-General-in-Council authorized the Chief Commissioner to direct that all offences against person or property attended with serious personal violence would be punished capitally, and in every

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1. For. Dept., Pol. Progs., 27 May 1859, No. 366 A, para 204.
  2. For. Dept., Pol. Progs., 5 November 1858, No. 193.
  3. For. Dept., Pol. Progs., 12 November 1858, No. 198.
  4. For. Dept., Pol. Progs., 12 November 1858, No. 200.

case of this kind, the last penalty of the law would be rigorously exacted. Offences of simple burglary and theft, cattle stealing, perjury, wanton destruction of property, counterfeiting the coin, receiving property obtained by theft, and attempts to commit any of these were made punishable by the lash or by fine or both. Embezzlement, forgery affrays, assaults without violent breach of peace, trespass, abduction, adultery and other minor offences as well as attempts to commit any of these were punishable by imprisonment or fine, or by both.<sup>1</sup> Capital sentences could be carried into effect only with the sanction of the Chief Commissioner on a review of the proceedings of the cases.<sup>2</sup>

James Outram in his memorandum suggested that the jails, as far as possible should be abolished as a means of punishments, and that death, transportation, and whipping should be substituted in a majority of offences.<sup>3</sup> To do away with imprisonment as a measure of punishment was found impossible, but the Governor-General-in-Council concurred with James Outram that in a large number of cases, the penalties of lash and of fines could be substituted and in respect of other cases where imprisonment was necessary, the jails could be converted from a "place of pleasant purgatory" into a place of hard labour, privation and reformation. The punishment of solitary confinement was to be passed only for offences against jail discipline.<sup>4</sup> The system of incarceration in jails was generally most demoralizing and never reformatory. In its place stripes and fines were considered punishments most befitting the generality of crimes because the punishment by fine is felt by a whole family, and becomes a material pledge for the future conduct of the delinquent as the family will not allow itself to be repeated sufferers from

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1. For. Dept., Pol. Progs., 5 November 1858, No. 193.

2. For. Dept., Pol. Progs., 21 January 1859, No. 278.

3. For. Dept., Pol. Progs., 5 November 1858, No. 192.

4. For. Dept., Pol. Progs., 4 November 1858, No. 193.

the ill conduct of one of their members.<sup>1</sup> The extended powers, to deal with crime under special Acts XIV, XVI, XVII, had been granted only for the extraordinary period of the great convulsion. In December 1858, on the restoration of authority in all the districts, these powers were withdrawn, and the ordinary procedure of the Judicial courts was adopted.<sup>2</sup> A very subtle distinction was drawn between the various kinds of crimes after the subjugation of the capital. All acts committed before the capture of Lucknow were passed over except in special cases as crime of an enemy's country.<sup>3</sup> In regard to crimes committed after the capture of Lucknow, "the vigour of the law was tempered in this Province with discriminating mercy."<sup>4</sup> The severest penalties of law were inflicted only upon criminals, who were guilty of horrible atrocities or who were known to have participated in the murder of English people.<sup>5</sup> According to the Administration Report for that year, only 23 persons were capitally executed; 115 were transported; 13 were imprisoned for less than 3 years; and 47 were fined. If this statement be trustworthy, the number of persons undergoing the extreme sentence of the law was, undoubtedly, wonderfully small.<sup>6</sup>

In the civil branch of judicial administration, the Chief Commissioner and the Judicial Commissioner endeavoured to avail themselves of the various improvements in procedure and practice that had been introduced in the Punjab or had been subject of legislative enactments. In 1859, the Judicial Commissioner laboriously framed comprehensive rules of procedure, which corresponded in its simple form with the

1. For. Dept., Pol. Progs., 12 November 1858, No. 199.
2. For. Dept., Pol. Progs., August 1859, No. 292.
3. For. Dept., Pol. Progs., 23 July 1858, No. 187.
4. For. Dept., Pol. Progs., 27 May 1859, No. 336 A, para 293.
5. Political Despatch from the Secy. of State, No. 33 of 24 April 1860.
6. For. Dept., Pol. Progs., 27 May 1859, No. 366 A, paras 302-303.

new Procedure Code passing at that time through the Legislative Council.<sup>1</sup> Rules for regulating the costs of suits were issued whereby a uniform tax of 2½ percent on the value of the suit was levied with the institution of stamp fee and it was to cover the cost of issuing all processes in a suit.<sup>2</sup> To check the wholesale transfer of land, it was ruled that no ancestral property in land could be sold in satisfaction of a decree without the sanction of the Judicial Commissioner, and that before the acquired property in land was sold, the permission of the Divisional Commissioner would essentially be obtained.<sup>3</sup>

With the restoration of peace, the new Civil Procedure Code was extended to Avadh as an authoritative guide only supplementary to existing rules and subordinate to them in authority.<sup>4</sup> From 1 January 1865, Act VIII of 1859 was fully introduced subject to four exceptions relating to power of revision by the superior court, definition of agents, *exparte* decree, record of evidence, and sale of land in execution of a decree on which local rules of Avadh were to prevail in force in place of Sections 3, 17, 111, 172 and 205 of the Code.<sup>5</sup> In 1865, Act XIV of that year, purported to provide for the constitution and jurisdiction of the civil courts in the Central Provinces, was extended to Avadh. About the same time, Act XVI of 1865 was passed which removed the cognizance of suits relating to land in the districts under settlement from the civil to the Revenue Courts. In 1871, Act XI was passed for the arrangement of matters of jurisdiction consequent upon the abolition of the Financial Commissionership of Avadh.<sup>6</sup>

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1. Avadh Administration Report, 1860-61, para 10.

2. For. Dept., Pol. Progs., 5 August 1859, No. 292.

3. *Ibid.*, No. 292.

4. For. Dept., Pol. Progs., 11 November 1859, No. 106.

5. For. Dept., Pol. Progs., August 1861, No. 305.

6. Legislative Dept., Progs., December 1871, No. 89.

Thus, we may say that the principal sources of law in Avadh were three<sup>1</sup> :—

Firstly, there was a corpus of executive orders especially contained in the letters of the Government of India (Foreign Department dated 4 February 1856 and 6 October 1858) which were supposed to have acquired the force of law under clause 25 of Indian Council Act of 1861.

Secondly, there was the pattern of the Punjab Civil Code, corrected and modified by the customs of Avadh and;

Thirdly, there were several enactments which were either since their inception or by subsequent extension partially or wholly applied to Avadh. The incomplete operation of these enactments and executive orders introduced an element of extreme uncertainty and obscurity about the laws actually in force in Avadh and it was difficult to understand and determine with certainty what the laws of Avadh were. To get rid of this ambiguity, two Acts were put on the Statute book at intervals. On 30 October 1871, Act XXXII of 1871 called "The Oudh Civil Court Act, 1871" was passed,<sup>2</sup> and on 10 October 1876, Act XVIII of 1876 "The Oudh Laws Act, 1876" was enacted and put in force.<sup>3</sup> This act arranged the Acts and Regulations in force in Avadh into a compendious and intelligible form of a single Act, and thereby removed the confusion.

### **Principle of Appeals**

For the simplification of the administration of justice, James Outram suggested that in criminal proceeding no appeals should be allowed from the decisions of Commissioners and Deputy Commissioners. Only the record of each case should be maintained for the information of the next superior officer who should have the authority to reverse any

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1. Legislative Dept., Progs., November 1876, No. 99.

2. Legislative Dept., Progs., December 1871, No. 106.

3. Legislative Dept., Progs., November 1876, No. 114.

decision or to modify or enhance a sentence. Further, he suggested that only one appeal should be allowed in civil cases with the exception of cases involving rights in land. Truly, the system of unlimited appeal was liable to great abuses and was productive of much evil, but to deny the right of appeal totally was a greater evil. The Governor-General-in-Council considered it unjust that while a man, whose claim to recover a debt on loan for Rs. 10 had been rejected, was entitled to an appeal, a man who had been sentenced to 14 years' imprisonment would have no right of appeal. It was impossible to deny the right of appeal in all but most petty criminal cases, and it was no substitute for an appeal to empower a superior authority to revise the proceedings of his subordinates.<sup>1</sup> Thus, to diminish litigation, the right of appeal was limited to one appeal to the next superior officer from every sentence passed in a criminal trial and the order so passed in appeal was to be final, being liable to no revision on judicial grounds, unless the appellate authority overruled the decision of the lower court in which case a second appeal would be permitted. In miscellaneous cases, one appeal direct to the Commissioner of division was allowed from orders passed by Deputy Commissioners and Assistant or Extra Assistant Commissioners. The order of the Commissioners in such case would be absolutely final with the reservation stated above.<sup>2</sup>

In civil cases also the same principle of appeal was followed. One appeal by either party from the court of first instance was allowed to the next superior tribunal, and the decision of the appellate court, if upholding the decision of the court of first instance, was final. If otherwise, a second appeal was permitted to the next superior tribunal.<sup>3</sup> There

1. For. Dept., Pol. Progs., 5 November 1858,

2. For. Dept., Pol. Progs., 21 January 1859, No. 278.

3. For. Dept., Pol. Progs., 27 May 1859 No. 366 A, para 312.

was no adequate reason to make an exception in favour of suits relating to rights in land as all such suits were exclusively to be adjudicated by the Settlement Officers and appeals from such suits were to be made to the superior officers in the same department. As a large number of civil cases were to be disposed of by the tahsildars and possibly by Indian Extra Assistants, the Governor-General-in-Council as a safeguard against injustice which might consequently ensue, empowered the Judicial Commissioner, and the Deputy Commissioners to call for the proceedings in any particular case and to pass upon it such orders as might be just.<sup>1</sup>

The rule of appeals lying to the Deputy Commissioners from the decisions of first class Assistant Commissioners in criminal cases was once more put to reconsideration in consequence of a Circular Order of the Judicial Commissioner directing the appeals from first class Assistants in criminal cases to go direct to the Commissioner and not to the Deputy Commissioner.<sup>2</sup> The main arguments of the Judicial Commissioner were two. Firstly, the existing rule differed from the Punjab practice on which the Avadh system was entirely based, and secondly, the Deputy Commissioners in Avadh were too inexperienced to be entrusted with decision on appeal which would be final.<sup>3</sup> On the opposite side, the following arguments were advanced in favour of the rules outlined in the Government of India's letter No. 3502, of 6 October 1858.<sup>4</sup>

(1) The operation of the rule, requiring the appeal from first class Assistants to lie with the Commissioner would make the Assistants equal with the Deputy Commissioner which tended to weaken the authority of the latter officer who had the charge of the district.

1. For. Dept., Pol. Progs., 5 November 1858, No. 193.

2. For. Dept., Pol. Progs., 13 May 1859, No. 445.

3. For. Dept., Pol. Progs., 13 May 1859, No. 450.

4. For. Dept., Pol. Progs., 10 June 1859, No. 279.



(2) It was advisable to lighten the work of the Commissioner. In each division there were three Deputy Commissioners and generally the same number of first class Assistants, and if the Commissioner received appeals direct from all these officers his work would materially increase.

(3) As regards the arguments of the Judicial Commissioner, it may be observed that the powers of the Deputy Commissioners in Avadh were far greater than those of corresponding officers in the Punjab, and this alone justified a diversity of practice as regards appeals. The pretext of inexperience of the Deputy Commissioners, if real, was only a temporary operation, and did not apply to all officers alike. Presumably, if an officer was unqualified to pass final orders in appeal, the rule could be easily suspended in his case.

The Governor-General-in-Council, having been convinced by the arguments of the Chief Commissioner, directed that the rule of October 1858 should be maintained in its integrity and that the appeals from the decisions of first class Assistants would go to the Deputy Commissioner of the district.<sup>1</sup>

In 1865, Act XIV of 1865 under Section 14 provided that appeals from the orders of the Deputy Commissioners and Assistant Commissioners of first class would lie to the highest court of the Judicial Commissioner, and not to that of the Commissioners, as before. The power of the Commissioner to call for the cases with a view to forming an opinion on the work of the subordinate courts was also taken away. Now, the Commissioner could no longer call for cases and modify the orders without appeal.<sup>2</sup> This rule heavily increased the appellate work of the Judicial Commissioner and the number of appeals instituted in his court increased from 120 in 1865 to 270 in 1866.<sup>3</sup>

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1. For. Dept., Pol. Progs., 10 June 1859, No. 280.

2. Avadh Administration Report, 1866-67, para 11.

3. Home Dept., Judl. Progs., July 1867, No. 60, para 16.

Again, in 1871, a very considerable change was affected in the system of appeals by Act XXXII of 1871 which came into force on 30 October 1871. Under Act XXXII of 1871, the value of the subject matter determined the jurisdictions of the appellate court. The Act provided that appeal from the decisions of all grades of court in cases in which the subject matter was valued at less than Rs. 1,000 would lie to the Deputy Commissioner.<sup>1</sup> Further, the Act rendered the decision of the court of first appeal final if it concurred with that of the court of first instance.<sup>2</sup> In consequence of this change, the appellate work of the Deputy Commissioner was greatly increased. In 1871, out of 34,059 cases disposed of, only 268 were of values exceeding Rs. 1,000. It is evident that the greater proportion of civil appellate work now devolved upon the Deputy Commissioners. It simultaneously enhanced the responsibility of the Deputy Commissioner by rendering his order final if it upheld the decision of the court of first instance.<sup>3</sup> But, this relief to the Commissioner was counterbalanced by the operation of the new Criminal Procedure Code which came into force on 1 January 1873. Under the new Code, the Deputy Commissioners were dispossessed of their power to hold court as Session Judges, though they could still try under certain conditions all persons charged with offences not punishable by death.<sup>4</sup>

### **Procedure of the Courts**

#### *(i) Record of Evidence:*

During the year before the reoccupation of the province a general dread and detestation had been established for the English law courts because of the preponderating influence

1. Act No. XXXII of 1871, Chapter III, Section 15, Clause 1 (Vide Leg. Progs., December 1871, No. 106).
2. Act No. XXXII of 1871, Chapter III, Section 18.
3. Avadh Civil Justice Report, 1871, para 31.
4. Avadh Administration Report, 1873-74, paras 4-5.

of the native functionaries who generally recorded the proceedings of the court in Vernacular. In 1858, it was realized that so long as the influence of the *Indians* in courts remained undestroyed, justice, pure and unstinted, which was the duty of the court to dispense would always continue to be polluted and hindered.<sup>1</sup> The Indians could not be expected to have dispassionate and unbiased feeling, when questions touching, however, slightly matters of caste or of religion came before them. It was in response to this feeling that James Outram suggested abolition of Vernacular record and substitution of English system of oral investigation.<sup>2</sup> The system of Vernacular record was a great evil, but as the Government of India felt, its entire removal was impracticable and to an extent impossible, though it could be mitigated to some extent in criminal justice. Therefore, with a view to improving the existing system of recording evidence, the magistrate or other presiding officer was required to examine every witness and record the evidence briefly in English, dispensing with the long-winded stories, which the Indian deposition writer allowed every witness to narrate. The final order of the magistrate was also to be drawn out briefly and succinctly in English by the magistrate himself.<sup>3</sup> But, a translation of those English notes and of the decision in Vernacular was essential to ensure the correct comprehension of the decision or the sentence of the judge by the parties to a case. Now, the *Izhar Navees* was not intended to sit by the judge and take down the evidence in full unless the judge had cross-examined the witness himself by an oral inquiry as to the facts which he could depose. The notes of the two were at once to be compared for ensuring the true version of the story. The Chief Commissioner strongly impressed upon all officers to bear this system in mind and to carry it into practice.<sup>4</sup>

1. For. Dept., Pol. Progs., 27 May 1859, No. 366 A, para 312.

2. For. Dept., Pol. Prog., 5 November 1858, No. 192.

3. For. Dept., Pol. Progs., 5 November 1858, No. 193.

4. For. Dept., Pol. Progs., 21 January 1859, No. 278.

The system of the oral examination of the witnesses by the judge and the record in his own hand-writing proved quite successful. The Chief Commissioner considered this system to be "one of the greatest reforms that has ever been introduced in the administration of justice."<sup>1</sup> The officers of the Administration by their diligence in administering justice in the form prescribed and by relying on their own investigation and their own notes created confidence and eagerness in the suitors to have their cases brought direct before the judges of the Avadh courts. It is worthy of mention that Avadh, though the most recently acquired province, originated the rule that every judge should make a record of each case that came before him in his own language and with his own hand.<sup>2</sup>

(ii) *The Law of Limitation :*

The law of limitation for hearing the civil suits had been fixed at 12 years in 1856.<sup>3</sup> Later in the year the Judicial Commissioner of the Punjab proposed that the limitation period of 12 years for the institution of a civil suit, being too long, should be reduced to 6 years.<sup>4</sup> The Government of India concurring in the views of the Punjab Government directed the Chief Commissioner of Avadh to reduce the limitation period to 6 years.<sup>5</sup> Accordingly, a proclamation, fixing the period of limitation at 6 years to be effective from 1 June 1857, was issued.<sup>6</sup> But, owing to the outbreak of the Revolt, the new rule could not actually come into operation. On the re-opening of the courts in January, 1859, the old rule of 12 years was again adopted in Avadh.<sup>7</sup>

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1. For. Dept., Pol. Progs., November 1860, No. 280.

2. Avadh Administration Report, 1872-73, para 33.

3. For. Dept., Pol. Progs., 27 May 1859, No. 366 A, para 209.

4. For. Dept., Pol. Progs., 17 October 1856, No. 411.

5. For. Dept., Pol. Progs., 17 October 1856, No. 413.

6. For. Dept., Pol. Progs., 17 October 1856, No. 414.

7. For. Dept., Pol. Progs., 25 February 1859, No. 539.

As this rule prescribing a long period of limitation was likely to permit old and obsolete claims to be brought forward and foster groundless litigation, the Judicial Commissioner of Avadh through and with the consent of the Chief Commissioner submitted for the consideration and orders of the Governor-General a new proposition relating to the limitation of the period for hearing civil suits. His proposition contained the following limitations for the province of Avadh,<sup>1</sup>

- 12 years—for real property,
- 4 years—for bond debt from the date of the bond and,
- 2 years—for other debts, breaches of contracts or for injuries.

The Judicial Commissioner was convinced that the proposed reduction of the limitation would prevent fraud and check the tendency of excessive litigation.<sup>2</sup> By that time certain changes had been introduced in the local law and procedure of the civil courts in the Punjab and the Governor-General in reply to the proposition of the Avadh Commission forwarded the correspondence with the Punjab Government requesting to introduce them in Avadh as it was desirable that the system of administration in the provinces under the Government of India should be the same.<sup>3</sup> The first of these rules prescribed a new statute of limitation for the civil courts.<sup>4</sup> The Judicial Commissioner preferred the provisions of Act XIV of 1859 to the Punjab Rules and the Chief Commissioner approved of the modification introduced by the Judicial Commissioner in the Punjab Rules so as to bring them in harmony with the Act. The modification was approved<sup>5</sup> and the rule, limiting the institution of

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1. For. Dept., Pol. Progs., 15 April 1859, No. 143.

2. For. Dept., Pol. Progs., 15 April 1859, No. 144.

3. For. Dept., Pol. Progs., 15 April 1859, No. 147.

4. For. Dept., Pol. Progs., 15 April 1859, No. 145.

5. For. Dept., Pol. Progs., 19 August 1859, No. 216.

the suits for debts and simple contracts to 3 years, for registered bonds to 6 years, and for immovable property to 12 years, was introduced in Avadh.<sup>1</sup> The Punjab Rules had been modified under the impression that the Government of India contemplated the extension of Act XIV of 1859 to Avadh. In March, 1860, the Judicial Commissioner again urged that the Act should be introduced sooner in Avadh. The Chief Commissioner in reply said that the Act could not be formally introduced as provided by its clause 24, for it was not applicable to the Revenue Courts; nor was the introduction necessary as the enforcement of all its provision had been approved by the Government. He asked the Judicial Commissioner to issue revised Rules for the limitation of suits adopting all provisions of that Act applicable to the province.<sup>2</sup> Accordingly, the Judicial Commissioner issued his Circular No. 104 of 4 July 1860, prescribing Rules for limitation of suits. These rules were almost identical with the provisions of Act XIV of 1859. According to the new and revised rules, the period of limitation was fixed at one year for suits for pecuniary penalties, damages, injury to person or reputation, infringement of copyright, patents, or other exclusive privileges, and other suits of simple nature. Suits in which the period of limitation was fixed at 3 years were suits for rent other than cognizable by the revenue authorities, for the money lent for a fixed period, etc. Suits against the representative of a deceased trustee to make good the loss caused by breach of trust, or suit by trustee to enforce any claim for contribution against the estate of a deceased co-trustee and suits on registered bonds were allowed 6 years. Suits for recovery of any legacy, immovable property, etc., were allowed 12 years. In some suits, the period of limitation was fixed at 30 years and in some special suits involving immovable property it extended to 60 years.<sup>3</sup>

1. Avadh Administration Report, 1859-60, para 6.

2. For. Dept., Revenue Cons., February 1866, No. 41 A.

3. Circular No. 104 of 4 July 1860. Vide Foreign Revenue Cons., February, No. 41 A.

These rules since then had been in operation as the law of the civil courts. But they were never submitted for the Governor-General's sanction. As the rules had not received the sanction of the Government, they had not the force of law and their legality was questioned many times. In May, 1865, George Couper, then the Judicial Commissioner of the province, suggested that a short Act be introduced in the Legislative Council to declare the provisions of Act XIV of 1859 in force with retrospective effect from 4 July, 1860. The Government of India held the view that Act, XIV of 1859 was in force in Avadh,<sup>1</sup> but only in respect of the civil courts, "not by virtue of the legislative authority of the Governor-General-in-Council, but through the legislative authority operating retrospectively of the British Parliament."<sup>2</sup> However, the Judicial Commissioner's Circular No. 104 of 4 July 1860 constantly remained in force. Only in Act XVIII of 1876 it was formally legalized. The Act provided that Circular No 104 of 4 July 1860 shall be deemed to have been a notification under Section 24 of Act XIV of 1859 and the Act should be considered to have been in force in Avadh since 4 July 1862.<sup>3</sup>

(iii) *The Execution of Processes:*

The rules for the execution of processes in Avadh were framed by the Judicial Commissioner under Section 10, Act XI of 1863<sup>4</sup>. Under these rules all processes of the civil courts of Avadh were necessarily served by process servers especially appointed for that purpose. Only those, who were moderately literate to read and write in the Vernacular and who held respectable character, were appointed as process servers. The salary was mostly determined upon their attainments. In general, one half of them received

1. For. Dept., Revenue Cons., February 1866, No. 42.

Legislative Dept. Progs., November 1876, No. 74.

3. Act No. XVIII of 1876, Chapter III, Section 16 Vide Legis. Progs., November 1876, No. 114.

4. Home Dept., Judl. Progs., June 1865, No. 4

Rs. 6, and the other half Rs. 7 per mensem. They were ordinarily appointed by the Deputy Commissioner. The tahsildars had no authority to appoint; they could only recommend men and send them to the headquarters.<sup>1</sup>

As regards the cost of process, in the beginning a stamp equivalent to the value of the stamp required for the institution of the suit was demanded in each case. Subsequently, a uniform charge of three annas for the process served on each individual in small suits, and six annas in suits above Rs. 500, was levied.<sup>2</sup> Under the new rules, the cost was fixed without any reference to distance and the value of suits. A uniform charge of six annas in the courts at the headquarters of districts, and three annas in tahsil courts was fixed for the process served on each individual. If the nature of process required more than to serve it, and delay was likely to occur, a charge of six annas per day was made for the number of days during which the process server had remained actually employed.<sup>3</sup>

A process server ordinarily served as many processes as he could conveniently manage; but as a rule no process server was entrusted with warrants for arrest in more than one case.

The processes were issued in proper time, and they contained a note mentioning the date on or before which it was to be served in order to give the party sufficient time to appear in the court. At least, a full week was allowed to the defendants from the time of the service of summons upon him. No process of any kind could be served more than one month after the date of issue.<sup>4</sup>

Great care was taken to see that the processes had been well served, their contents explained to the parties and

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1. Home Dept., Judl. Progs., June 1865, No. 5.
  2. For. Dept., Judl. Progs., February 1864, No. 81.
  3. Home Dept., Judl. Progs., June 1865, No. 5.
  4. Home Dept., Judl. Progs., June 1865, No. 5.



proper acknowledgments obtained. It was the duty of the process server to explain the rules and ensure the attendance of the defendant at the proper time and place. If the defendant was absent, the process server would do his utmost to enquire about his whereabouts, and probable date of his return and would report accordingly. In case, no one could be found at the defendant's residence, the summons was attached to his door, and acknowledgment of its being pasted including an obligation to preserve it and point it out to the defendant was taken, if in a town, from the nearest two respectable neighbours; if in a village, from the land holder, and the patwari or chaukidar of that village.

On the return of the process server, if the summons had been duly served, the clerk of the court satisfied himself by an examination of the acknowledgment and by questioning the process server that the service was good and complete, and then filed the acknowledgment. If the process could not be executed, or there had been any difficulty, the clerk made a report of it to the judge.<sup>1</sup>

(iv) *Admission of Pleaders:*

Since the Government of India had determined upon such a simplification of the law and course of procedure as was calculated to ensure prompt administration of justice more in accordance with the habits and feelings of the people in Avadh, the Governor-General-in-Council concurred with James Outram in his remarks on vakils and mukhtars. It was generally believed that their main interest was to promote litigation and complicate the proceedings, and that they gave very little assistance to the presiding officer. Consequently, the intervention of the pleaders, mukhtars or law agents was prohibited in Avadh courts and it was required of officers to confront the parties as far as possible except in those cases in which the parties could not attend the

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1. Home Dept., Judl. Progs., June 1865, No. 5.

court without loss of their social dignity or offence to their feelings.<sup>1</sup> In such cases personal agents were permissible. But later on, the Government of India resolved that under the rules of civil procedure in force in the non-regulation provinces barristers and attorneys of the Supreme Court could not be prevented from practising in the courts of these provinces,<sup>2</sup> and a number of European barristers and attorneys of the Supreme Court obtained permission to practise in the courts of Avadh. This gradually tended to establish a monopoly of European pleaders in the courts of Avadh, which had never been the intention of the Government in excluding the Indian pleaders and mukhtars. In fact, it was an injustice to allow Europeans to practise while the Indians were excluded. Therefore, the Administration of Avadh had either to stop permission to European barristers or to allow the Indians generally to practise. But it was at the same time realized that in due course of time more attention to regular and strict procedure and to legal niceties would require substitution of a kind of regular practitioners for the private agents with no legal training. In such case, European barristers or attorneys were not numerous enough to supply the want. Moreover, they were very expensive.<sup>3</sup> Consequently, Indian pleaders were permitted to practise in the courts of Avadh and no pleader, European or Indian, without prescribed diploma of qualification, was to be admitted to the courts.<sup>4</sup> The rules for the examination and admission of pleaders in the courts of Avadh were framed by the Judicial Commissioner and approved by the Government of India on 4 February, 1862. In August, 1862, a modification was introduced in accordance with the Resolution of the court of Sadar Diwani and Nizam-at Adalat, North-Western

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1. For. Dept., Pol. Progs., 5 November 1858, No. 193.

2. For. Dept., Pol. Progs., August 1861, No. 291.

3. For. Dept., Judicial Progs., October 1861, No. 43.

4. For. Dept., Judicial Progs., October 1861, No. 45.

Provinces requiring that pleaders should possess a competent knowledge of English.<sup>1</sup>

Even in Bengal hitherto competent knowledge of English had not been required for the vocation of a pleader, but in Avadh it was made a subject of examination for pleadership. The Judicial Commissioner observed that in Avadh judicial proceedings had been fully recorded in English for the period of 4 years and if the pleadings were also conducted in that language, it could be said that English was the language of Avadh courts.<sup>2</sup> Thus, a candidate for pleadership in Avadh had to pass examination in the subjects, namely, English language, three codes of procedure and penal law (Civil Procedure Acts VIII of 1859 and XXIII of 1861; Criminal Procedure, Act XXV of 1861, Penal Code, Act XLV of 1860) as in force in Avadh, and other laws of the British Government actually in force in Avadh; the Mohamedan law and Hindu law; the principal local laws and customs of Avadh, and the printed circulars of the Judicial Commission with the principles of English law regarding contracts and torts; or the French Civil Code as optional.<sup>3</sup>

In 1867, Act XX of 1865 was introduced in the province of Avadh. Under Sections 4, 6, 23 and 24 of the Act new rules were framed for the admission of pleaders, mukhtars and revenue agents.<sup>4</sup> Rules framed under Section 4 by the Judicial Commissioner divided the pleaders in the district and other local civil courts of Avadh in two grades; higher grade and lower grade. The pleaders of the higher grade were competent to appear and plead in any civil or criminal courts in Avadh. Those of the lower grade could appear or plead in civil or criminal and revenue courts of all grades

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1. Home Dept., Judicial Progs., October 1865, No. 24. Allahabad Gazette, 31 May 1865, p. 324.

2. Home Dept., Judl. Progs., December 1865, No. 35.

3. Home Dept., Judl. Progs., October 1865, No. 24.

4. Home Dept., Judl. Progs., September 1867, No. 38.

below the Deputy Commissioner's court.<sup>1</sup> In May 1860, the Judicial Commissioner cancelled the enrolment of mukhtars.<sup>2</sup> Now, they could be qualified to practise only after passing the standard of examination prescribed for pleaders of the second grade. Only duly qualified pleaders could appear on behalf of the parties in the courts or could act as recognized agent of persons or parties. No mukhtar or person was allowed to act as recognized agent for more than one person or firm.<sup>3</sup> This was really injurious to the interests of the people and the legal practitioners but its violation was made punishable for contempt of court.<sup>4</sup>

### Business of the Courts

There was a steady increase in the number of suits instituted in the civil courts of Avadh.<sup>5</sup> It indicates that the confidence of the people of Avadh in English courts gradually strengthened with the advance of time. In 1850, there were only 6944<sup>6</sup> suits filed in the civil courts. By 1869, this number had quadrupled as compared with 1860. In 1867, a remarkable check is perceptible, the reason presumably being that it was a year of agricultural plenty in the province and many of debts were settled out of court.<sup>7</sup> The number of offences reported in 1872 was exceptionally large and exceeded the number reported in any single year. This increase of the crime was attributed generally to the unfavourable agricultural season and consequent scarcity of provisions and high price of foodgrains. The *kharif* of 1871, and *rabi* of 1872 both had been very much below the average. The fact is further corroborated by the large increase in the number of thefts committed for grain.<sup>8</sup> The

1. Home Dept., Judl. Progs., September 1867, No. 39.

2. Home Dept., Judl. Progs., March 1869, No. 16.

3. Ibid., No. 16.

4. Home Dept., Judl. Progs., March 1869, No. 16.

5. See Appendix No. I.

6. Avadh Civil Justice Report, 1869, para 3.

7. Avadh Civil Justice Report, 1868, para 2.

8. Avadh Criminal Justice Report, 1872, para 6.

average value of the civil suits disposed of by the courts increased slowly and systematically and a comparative idea of it can be had from the following table:—

Years	Total number of cases disposed of	Average value		
		Rs.	As.	P
1869	26,918	88	7	4
1871	34,059	97	13	5
1872	35,356	145	11	6
1874	38,367	156	4	11

The average duration of the contested cases increased from 20-22 days<sup>1</sup> in 1861 to 24 days in 1872.<sup>2</sup>

The most distinguishing feature of court business in Avadh appears to be the disproportionately large share of work that devolved upon the Extra Assistant Commissioners, Assistant Commissioners and the tahsildars. A comparative idea of it can be had from the following statement:

*Statement showing the percentage of cases decided by the Tahsildars and Extra and Assistant Commissioners.*

Years	By Tahsildars	By Extra and Assistant Commissioners
1869	41	34
1870	42	33
1871	46	29
1873	40	50
1874	36	55

### **Defects of the Judicial Administration**

The judicial system of Avadh suffered from some grave defects throughout entire period of the Commission. The unequal distribution of civil business was one of the main

1. For. Dept., Judl. Cons., February 1864, No. 81.

2. Avadh Civil Justice Report, 1872, para 27.

defects. A major portion of the civil business was disposed of by the tahsildars. In addition to civil suits, they disposed of the larger portion of the rent suits and criminal cases. To charge the tahsildar with too large a proportion of judicial business was detrimental to his duties in the revenue administration, a branch to which he primarily belonged. The tahsildar, in spite of his creditable services, was low paid in comparison with his European counterpart. The average salary of a tahsildar was Rs. 175 per mensem. The Extra Assistant Commissioner received Rs. 416 and the Assistant Commissioner Rs. 666 per mensem.<sup>1</sup> This extreme disparity in the salary must have been an effective source of discouragement to the low paid tahsildars.

The second defect of the judicial system was its rather too economical mode of organization. When the system was organized, the population of Avadh was approximately 6 millions and the revenue was only two thirds of what it stood in 1877<sup>2</sup>. In 1875 the population was estimated at about 11 millions<sup>3</sup> according to the census of 1869. But, the number of tribunals did not expand in corresponding ratio and remained more or less the same which had been organized in the beginning. The number of courts: civil rent, settlement and criminal at the close of the year 1875 was 185<sup>4</sup>. The consequence was that the duties of officers were much more heavy in Avadh than in any part of India. The courts, though prompt in decisions, were greatly hampered by the scantiness of their number in the dispensation of justice for which there were more elaborate and expensive establishments in the North-Western Provinces.<sup>5</sup>

1. Avadh Administration Report, 1871-72, para 28.
2. W. C. Bennett, *Gazetteer of the Province of Oudh*, Vol. I, Introduction, Chapter II, p. 60.
3. Avadh Criminal Justice Report, 1875, Appendix Judl. Return No. 1.
4. W. C. Bennett, *Loc. Cit.*, p. 60.
5. W. C. Bennett, *Op. Cit.*, p. 60

This economy at the cost of efficiency was most injurious to the inhabitants of Avadh who paid more than £1,900,000 from all sources to the cost of the British Empire annually.<sup>1</sup>

Another defect of the judicial system of Avadh was the absence of a codified law. The constitution and jurisdiction of the courts had originally been fixed by the orders of the Government dated 4 February 1856 and 6 October 1858, which, under the Indian Council Act of 1861, had received the force of law. The judicial system in Avadh had largely been based on the Punjab Rules, which were modified and supplemented by local customs and usages. Thus, the absence of a written law produced a great uncertainty about the laws in force in Avadh. In 1864, there were 247 Regulations and Acts, of which majority were applicable only in spirit<sup>2</sup> in Avadh. Further, they were supplemented by new Acts and Regulations which were passed according to the needs of the province. This encroachment by new Acts made confusion worse confounded Hob-House, speaking on the 'Oudh Laws Bills' on 28 August, 1873, in the Legislative Council of the Governor-General of India, stated that even the judges and advocates in a case of Avadh before the Privy Council found it difficult to discover what the law was in force in that province.<sup>3</sup> In such conditions no even-handed justice could be possible. It was quite late in 1876 that this unsatisfactory state of law was corrected by consolidating and amending the laws in force in Avadh into an Act 'Act XVII of 1876' called "The Oudh Laws Act, 1876."

The union of judicial and executive functions in the hands of one class of officers, though cheaper, was injurious to the efficiency of the general administration. Notwithstanding its simple and untechnical procedure, this feature of the Non-Regulation system in the long run tended to become

1. Ibid., p. 60

2. Legislative Dept., Progs., November 1876, No. 85

3. Legislative Dept., Progs., November 1876, N. 85.

less efficient and more rigid than the Regulation system. As James Stephen<sup>1</sup> has put it, "There is an obvious difference between the judicial and the executive temper. A judge must go by strict rules. His work comes to him instead of his going to it. His duty is discharged when he has given a decision according to law,.....An executive officer on the other hand must constantly look beyond rules. He must frequently have an eye rather to the particular case than the general rule."<sup>2</sup> Thus, to expect one man to carry on both functions differing fundamentally from each other was quite unreasonable. The principal evil of this system was that it weakened the executive administration and converted the officers into lawyers. Such frame of mind adversely affected the general efficiency of the administration.<sup>3</sup>

Throwing much of the judicial work on the revenue officials adversely affected the revenue administration of the province, and caused a tendency of permanent deficit in the revenue collections. Consequently, the necessity of a change in the nature of Avadh Commission was felt and a committee of four persons was appointed in 1876 by the then Officiating Chief Commissioner to report on the separation of the judicial and executive offices and their staff.<sup>4</sup> But shortly after the appointment of this Committee the province of Avadh was amalgamated with the North-Western Provinces.

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1. J. F. Stephen, *Minute on the Administration of Justice in the British India*, p. 11.
  2. J. F. Stephen, *Minute on the Administration of Justice in the British India*, p. 11.
  3. *Ibid.*, Chapter II, p. 14.
  4. Home Dept., *Judicial Progs.*, April 1876, No. 1.



### CHAPTER III

## POLICE ADMINISTRATION

The police force as an essential machinery of orderly government was the first to be reorganized after the capture of Lucknow in March 1858. As the virious columns of the regular army advanced through the province to clear the country of rebels, a police force, sufficiently disciplined and numerous, became indispensable to take up and hold one position after another as the columns passed, and thus to consolidate British authority, gradually, but permanently, in the reoccupied areas.<sup>1</sup> In March 1858, therefore, orders were issued for the formation of "the Avadh Military Police."<sup>2</sup> Major Bruce of the Bombay army was selected on the recommendation of Sir James Outram for the duty of raising and superintending the military police. Bruce recruited the force making physical fitness and individual fidelity the standard of fitness in preference to the old established rule of caste and creed; and drilled it with assiduous care and diligence.<sup>3</sup> The military police, as originally constituted, comprised five regiments of cavalry and fourteen regiments of infantry amounting to 3,000 sabres and 10,976 fighting men. The European officers, exclusive of the Chief of Police and his assistant, consisted of a divisional commandant for each Commissionership, and a commandant and adjutant for each district. Besides, a native commandant and an adjutant were appointed to each regiment. They were entrusted with the internal discipline, and drill of the corps under their command.<sup>4</sup> The total cost of the military police of all ranks per annum amounted to Rs. 2,666,490.<sup>5</sup>

1. For. Dept., Pol. Cons., 20 August 1858, No. 239.
2. Pol. Despatch from the Secy, of State, 18 August 1858, No. 34.
3. For. Dept., Pol. Cons., 1 October 1858, No. 139.
4. Avadh Administration Report, 1859-60, para 49.
5. For. Dept., Pol. Cons., 27 May 1859, No. 366 A. para 281,

This military police, though formed under exceptional circumstances and intended to be entirely an auxiliary military force to aid the regular military, had to perform many of the duties, which had formerly devolved upon the "Native Infantry Regiments" of the East India Company. It guarded public property, provided treasure escorts, suppressed riots, and distinguished itself in encounters with the enemy.<sup>1</sup> It was also employed in disarming the population. Although, it acquitted itself in a creditable manner, yet it was far larger than the exigencies of the service required when once the province had been reduced to subjection and order. Moreover, the cost amounting to nearly twentyseven lakhs was greatly in excess of what the resources of the province could afford to pay on account of its police.<sup>2</sup>

The Civil police of Avadh, before the outbreak of the mutiny, had been formed on the model of the old provinces and put under the control and orders of the European Deputy Commissioners. It was entrusted with entire general duties of prevention and detection of crime. This system of police suffered from several defects such as the low rate of pay, disproportion of the force to the density of population and extent of the country, and complete want of discipline and efficient control.<sup>3</sup> The Chief Commissioner was, therefore, disposed to adopt a system of police for his province, which might obviate those defects and commend itself to the Government of India. In proposing such a system he desired to achieve two things; firstly, the separation of the executive police from the magisterial branch of the administration; and secondly, the large admission of a military element into the police. The former had been tried with some success in Bombay and had been recommended by the Court of Directors. The latter was considered essential by the Chief Commissioner for governing Avadh which had

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1. Pol. Despatch from Secy. of State, 18 August 1858, No. 34.

2. Avadh Administration Report, 1859-60, paras 50 and 62.

3. For. Dept., Pol. Cons., 27 May 1859, No. 366 A, paras 267-70.

been the scene of violent and bloody strife and renowned for desperate bands of dacoits, with firmness and by a hand ever ready to strike with certainty and effect.<sup>1</sup> Since such firmness of action and efficiency was not possible under the old police system of *thanas* and *barkandazes*, he proposed to use the military police in a civil capacity to perform the duties of ordinary constables.<sup>2</sup> The Chief Commissioner classified the different kinds of police into four heads: 'Village', 'Protective', 'Detective', and 'Road and Town'.<sup>3</sup>

He proposed to avail the agency of land holders, in the subordinate work of detection and prevention of crime. A clause was to be inserted in the deed of settlement compelling land-holders and specially the taluqdars to assist with all their power and influence in the manner prescribed by the authorities. Every village was to appoint its own *chaukidar*. These *chaukidars*, where there were taluqdars, were to be placed under his orders for public purposes. In a taluqa, the *chaukidar* of any village would have jurisdiction over the whole taluqa with special responsibility for his own village. Besides these men, it would be the imperative duty of the taluqdar to employ all the agency he could bring to bear to detect or prevent crime. Where the taluqas did not exist, the zamindars were to be held answerable for the performance of these police duties. As regards the working of the scheme, a small body of detective officers would be kept at every police station, who would proceed to the village when any report of a crime was made and ask the land-holders to arrest and deliver the criminal. If it were a case of burglary, the land-holders and taluqdars would have to undertake all the duty, hitherto performed by the regular police, of hunting up suspected persons and they would do this on receipt of intelligence without waiting for the arrival of a detective police man. The Chief Commissioner

1. For. Dept., Pol. Cons., 27 May 1859, No. 366 A, paras 278-79.

2. For. Dept., Pol. Cons., 5 November 1858, No. 182.

3. For. Dept., Pol. Cons., 5 November 1858, No. 183.

proposed to invest a taluqdar with a degree of magisterial powers in future if he was an intelligent and fit man for the duty. To enable all taluqdars to vindicate their authority, they were to be allowed the power of sending up bad characters to the district officers. Moreover, the task of summoning witnesses and collecting parties in a case was to be accomplished through the taluqdars and land-holders in subordination to the detectives. The scheme also envisaged the appointment of one European officer at least of Extra Assistant rank in the interior in every two tahsils where small or one where it was large in order to cause the police system work efficiently, and all the Extra Assistants, instead of concentrating them at the headquarters, were to be distributed over the district, leaving only one at the headquarters for the conduct of the treasury and other station duties.<sup>1</sup>

The Chief Commissioner proposed to establish only one police post in each tahsil. All police stations and subordinate outposts were to be abolished. At each tahsil headquarters a strong police station, well fortified and large enough to contain at least 60 military police and 25 cavalry men with their officers, was to be established. The tahsildar would exercise plenary authority in his jurisdiction subject to the orders of the Extra Assistant and the district officer, assisted by a naib tahsildar who would have primarily police duties. The military police were to guard the tahsil, escort treasure, and quell any violent disturbance that might arise. They were not to be used for the detection of crime and were not to be allowed to go into the villages, unless ordered out in a body by the tahsildar.<sup>2</sup>

The Chief Commissioner contemplated to employ fewer men, well-paid and carefully selected, instead of having a host of ill-paid, inefficient and ill-controlled *barkandazes* for the detective part of police duty and maintenance of

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1. For. Dept., Pol. Cons., 5 November 1858, No. 183.

2. Ibid., No. 183.

communication between the tahsildar and his subordinate agency of village police. He believed that 10 or 12 good men, carefully selected, would do the work of 80 *barkandazes* maintained in the old system as efficiently and far more satisfactorily. The duties of these detectives would be to serve summons, detect crime and convey all orders from the tahsildars to the villages. For these men the Chief Commissioner proposed to have a graduated scale of pay between 10 to 30 rupees per mensem.

For the protection and patrol of the main lines of road, the village chaukidars were to be availed in place of making use of the military police.<sup>1</sup>

The Chief Commissioner, Sir Robert Montgomery, had been all his life an executive officer, and as a Judicial Commissioner, he had been deeply engaged in direction and control of the police in the Punjab. He could not but feel that for protection and resistance against armed men, the Avadh police, formed on the model of the Punjab, would be quite inadequate and were not likely to succeed during the disturbances, which might be caused by a few insurgents in a remote corner of the Province. "Montgomery was a Protestant Irishman and probably derived from his own country a liking for something of the character of the Irish police."<sup>2</sup> So he was inclined to assign the civil duties of police to the existing military police in order to avoid the double expense to the State of maintaining two bodies of police.<sup>3</sup> The scheme of Sir Montgomery was partially introduced in Avadh in December 1858.<sup>4</sup> The total annual cost of Irregular Force, Military police, and the Civil police of all ranks maintained before the Mutiny had been Rs. 2,878,904; while the annual cost of the present

1. For. Dept., Pol. Cons., 5 November 1858, No. 183.

2. George Campbell, *Memoirs of My Indian Career* (London, 1893), Vol. II, p. 65.

3. For. Dept., Pol. Cons., 27 May 1859, No. 366 A, para 280.

4. For. Dept., Pol. Cons., 10 June 1859, No. 250.

military police of all ranks was Rs. 2,666,490 giving an annual saving of Rs. 212,414 to the Government.<sup>1</sup> Though financially economical one, the scheme was inadequate, faulty and likely to break down in actual operation. Some of the glaring defects of the proposed scheme were :—

(1) The protection given to life and property by a small body of 60 military police men posted in a tahsil, the area of which varied from 400 to 500 square miles and comprised probably 300 to 400 villages, was very limited. This small body of police could be useful at the tahsil station to suppress a riot or disperse a mob, but generally for the purpose of preventing crime and apprehending criminals and flagrant delicts, they were wholly ineffective by reason of their remoteness in most of the cases from the scene of the crime.

(2) The proposal to concentrate the police at one central place of each tahsil division was an unwise innovation and opposed to the acknowledged principle that whereas troops should be massed, the police should be widely scattered.

(3) By the concentration of the police at the tahsil under the eyes of the Tahsildars, the Chief Commissioner observed, the Government would get rid of the vexations and corrupt practices of policemen and thanadars. But, this proposal was a very imperfect remedy. The tahsildars could not themselves be expected to be so immaculate, and the heavy burden of fiscal duties appertaining to the revenue matters imposed on them would allow very little time to give close attention to the operations of the police.<sup>2</sup>

Apart from these considerations, and more important, the organization and equipment of extensive and powerful military body under the name of police, but in reality, differing very little in organization and nothing in the classes of men composing it from the sepoy regiments, which had so recently

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1. For. Dept., Pol. Cons., 27 May 1859, No. 366 A, para 281.

2. For. Dept. Pol. Cons., 5 November 1858, No. 185.

revolted, was regarded as dangerous and inexpedient by the authorities at home.<sup>1</sup> As a result of these considerations, this scheme did not receive the sanction of the Governor-General-in-Council,<sup>2</sup> and the Chief Commissioner was directed to reduce immediately the military police as far as practicable. Having been appointed Lieutenant-Governor of the Punjab, Montgomery left the province in February 1859 and Wingfield assumed charge of the Chief Commissionership.<sup>3</sup> The new Chief Commissioner was not "so much enamoured of the military police." He did not believe in the possibility of civil disturbances any more in the province of Avadh requiring a quasi-military force to deal with it.<sup>4</sup> In his opinion, therefore, the sound principle was to keep the police distinct from the military. It was neither to the advantage of the military force and the efficiency of the police for its legitimate duties, nor to the economy of the finances to make the police take the place of the regular Native Regiments. Assuming it, therefore, granted that the police should be exclusively employed on police duties, Wingfield submitted a scheme transforming the military police into a civil police and reducing them to the minimum consistent with public interest.<sup>5</sup> The main proposals of the Chief Commissioner were the following :—

(1) The office of the Chief of Police should be united with that of the Military Secretary when a vacancy occurred in either of them. Since the Military Secretary had very little to do, the double duty would not be too onerous for an energetic man. Moreover, orders in the name of the Chief Commissioner instead of in the name of the Chief of Police would make the police feel in a more real sense part of the

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1. Pol. Despatch from the Secy. of State, 18 August 1859, No. 34.

2. For. Dept., Pol. Cons., 5 November 1858, No. 185.

3. For. Dept., Pol. Cons., 25 February 1859, No. 604.

4. George Campbell, *Op. Cit.*, Vol. II, p. 62.

5. For. Dept., Pol. Cons., 30 December 1859, No. 490.

civil administration of the province, and would closely connect it with its head.

(2) The post of an Assistant Chief of Police should be retained, for an officer to be deputed for the investigation of the causes of misconduct or general inefficiency on the part of the police in the interior of a particular district would be absolutely necessary because the Military could not at all times be conveniently relieved for the purpose.

(3) The Divisional Commandants should be entirely abolished, and a commandant should be appointed to each district to be designated as "Captain of Police" These officers should be divided into grades of first, second, and third class.<sup>1</sup>

(4) A Superintendent of Police for the city of Lucknow should be appointed.

(5) The District Adjutants, as they were no longer required for the details of military discipline, should be altogether abolished, and in their place six officers should be appointed as Assistant Superintendents to learn their duty without having any substantive position. These officers were to supply the places of the District Superintendents absent on leave, etc.

(6) The police force should be reduced to one regiment of mounted police of 1,470, consisting of 14 troops each of 105 men of all grades, and 13 regiments of infantry, of 601 men each, or 7,813 foot-police in total.<sup>2</sup> In addition to this force required for regular police duties, the Chief Commissioner required two regiments of infantry and one of cavalry, if the police, instead of the regular army, were to guard the frontier.<sup>3</sup> Thus, by reducing the cavalry from 3,000 men to 1,470, and the infantry from 11,760 to 7,813 men,<sup>4</sup> Wing-

1. For. Dept., Pol. Cons., 30 December 1859, No. 493.

2. Ibid., No. 490.

3. For Dept., Pol. Cons., 30 December 1859, No. 490.

4. See Appendix, No. II.



field expected to effect a saving of 1,081,518 rupees per year.<sup>1</sup>

All the proposals of the Chief Commissioner were approved by the Governor-General-in-Council except that which sought to unite the office of the Chief of Police with that of the Military Secretary, for it was considered impracticable. However, the Governor-General-in-Council preferred to abolish the office of the Military Secretary, which was from the first intended to be temporary, and to make over the duties to the Civil Secretary who would be allowed a military assistant, if this was considered absolutely necessary. The Chief Commissioner was authorized to carry out the proposed reduction in the police force.<sup>2</sup> He distributed the reduced and newly constituted police in the following manner. Each district was allowed one troop of 100 sabres and one regiment of foot police. Two troops of mounted and one regiment of foot were kept as reserve at Lucknow.<sup>3</sup> Within a district the allocation of the Chief Commissioner provided 50 infantry and 8 cavalry-men for a tahsil, 20 infantry and 5 cavalry-men for a thana, and 5 infantry for an outpost. 250 infantry and about 40 cavalry-men were to be stationed at the headquarters of the district. This arrangement provided for about 150 cavalry and infantry-men to be left at the disposal of the magistrate to meet any emergency without making himself dependent upon the regular army.<sup>4</sup> Wingfield's scheme, no doubt, succeeded in removing most of the evils from which the police of Avadh had suffered, but the system so established was not entirely satisfactory.<sup>5</sup> Cooperation between the police and magisterial officers was not so hearty as was required to ensure success. Hence the Chief Commissioner decided on

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1. For. Dept., Pol. Cons., 30 December 1859, No. 493.

2. For. Dept. Pol. Cons., 30 December 1859, No. 494.

3. Avadh Administration Report, 1859-60, para 53.

4. For. Dept., Pol. Cons., 30 December 1859, No. 490.

5. George Campbell, *Op. Cit.*, Vol. II, p. 66.

making the police completely subordinate to the district officers, strictly maintaining, however, the separate organization of the police under a Chief of Police.<sup>1</sup>

In August 1860, a Police Commission was appointed to make a comprehensive enquiry into the existing constitution of the police establishments throughout British India with the view of ascertaining how they could be most effectually improved and also, whether in any part of India the expenditure on police could be reduced.<sup>2</sup> The Commission submitted a report on the basis of which Act V of 1861 was enacted.<sup>3</sup> The police in Avadh had been already organized on the system recommended subsequently by the Police Commission. On the introduction of the Act, therefore, only the nomenclatures of the police were changed accordingly and the town and cantonment police were incorporated with the general police of the province.<sup>4</sup>

The Police Commission, in its report No. 5, dated 17 January 1862, had proposed to fix Rs. 10 lakhs as the entire cost of the police in Avadh.<sup>5</sup> The Governor-General-in Council, therefore, desired that the police expenditure should be reduced to that extent. Accordingly, the then officiating Chief Commissioner, Yule submitted a plan for the reorganization of the police with a view to effecting as much reduction of cost as was consistent with efficiency.<sup>6</sup> The Avadh police, in October 1862, consisted of 8,253 men of all grades, costing Rs. 1,418,077 per annum. Under Yule's scheme the total annual expenditure was reduced to Rs. 1,003,308. The Government of India sanctioned the proposals of Yule with certain modifications, and agreed to bear one third cost of Lucknow city police. The Chief Commissioner was authorized in the first instance to

1. Avadh Administration Report, 1859-60, para 59.
2. Home Dept., Judicial Cons., 8 September 1860, No. 52.
3. The Imperial Gazetteer of India (Oxford, 1907), Vol. IV, p. 388.
4. Avadh Administration Report, 1860-61, para 47.
5. Home Dept., Judicial Cons., 12 April 1862, No. 24.
6. Home Dept., Police Progs., 20 August 1863, No. 42.

exercise his own discretion in the distribution of the sanctioned sum.<sup>1</sup> When the Chief Commissioner, Wingfield rejoined the office after leave, he accepted the sum of Rs. 10 lakhs as the cost of the regular police and the personal allowances, as such he raised the total proposed expenditure to Rs. 1,081,028.<sup>2</sup> Besides this, he inserted some modifications in Yule's proposals. The new changes proposed by the Chief Commissioner were the following :—

(1) Yule had proposed to abolish the office of Deputy Inspector General, substituting for it an Assistant Inspector Generalship on Rs. 800.<sup>3</sup> The Chief Commissioner proposed to continue the post of Deputy Inspector General on the ground that to put the prospects of the officers of Avadh police at par with those of the officers in other provinces, there should be an intermediate step between a District Superintendent on Rs. 800 and the Inspector Generalship which a Deputy Inspector Generalship on Rs. 1,200 would provide.<sup>4</sup>

(2) The second modification related to the scale and number of various European officers. The following statements explain the alterations proposed by the Chief Commissioner.<sup>5</sup>

*Yule's Scale*

	Rs.
1 Inspector General	1,800
1 Assistant Inspector General	800
2 District Superintendents	1,000
2 District Superintendents	800
4 District Superintendents	700
4 District Superintendents	600
4 Assistant District Superintendents	400

1. Home Dept., Police Progs., 20 August 1863, No. 52.

2. This sum included :—

The cost of Regular Police=Rs. 1,000,000  
Government share of Lucknow City police=Rs. 31,028  
Personal allowances=Rs. 50,000

Total Rs. 1,081,028

3. Home Dept., Police Progs., 20 August 1863, No. 55.

4. Home Dept., Police Progs., 25 August 1863, No. 73.

5. Ibid., No. 73.

*Chief Commissioner's Scale*

	Rs.
1 Inspector General ...	1,800
1 Deputy-Inspector General ...	1,200
4 District Superintendents ...	800
3 District Superintendents ...	700
3 District Superintendents ...	600
2 District Superintendents ...	500
4 Assistant District Superintendents ...	400

(3) The Chief Commissioner proposed the appointment of a permanent Superintendent of City police, instead of a fifth Assistant District Superintendent for Lucknow city, who should draw the salary of the lowest grade District Superintendent, namely, Rs. 500 per month, to be ultimately raised to Rs. 700 and should be entitled to promotion in the list of police officers.

(4) The Chief Commissioner proposed an addition of 95 men to the strength of the police force in order to afford some relief to the police of some districts, specially Faizabad, which were greatly overworked.<sup>1</sup>

The proposals of Wingfield, except for the increase of 95 men to the strength of police, were sanctioned, but the Governor-General-in-Council simultaneously pointed out the possibility of effecting further reductions in the number of treasuries and their guards.<sup>2</sup> The government of India in the Home Department, after reconsidering the proposals, again resolved on 30 June 1865 that the office of the Deputy Inspector General of Police in Avadh should be abolished, and the salaries of the two senior District Superintendents should be raised to Rs. 1,000 each.<sup>3</sup> The total strength of Avadh police of all grades on 31 December 1865 was 8,356, costing Rs. 168,861 per mensem.<sup>4</sup> In anticipation

1. Home Dept., Police Progs., 25 August 1863, No. 73.

2. Ibid., No. 75.

3. Home Dept., Police Progs., June 1865, No. 39.

4. Home Dept., Police Progs., March 1867, No. 15.

that the number of treasuries and guards would be reduced, the Budget grant for Avadh police for 1865-66 was restricted to Rs. 1,031,028.<sup>1</sup> This curtailment in the Budget grant rendered further reductions in the police force imperative. Consequently, the new Chief Commissioner, Strachey had to reconsider the system of police organization in all its details, with a view to laying before the government specific proposals for determining permanently the sum to be granted to the Avadh police. He proposed to carry out a large reduction to the extent of 465 men<sup>2</sup> in the number of the mounted police and the foot constables. On the other hand, he proposed to increase the salaries of the Inspectors, Deputy Inspectors, and Chief Constables. The total annual charge on account of the Avadh police, according to this scheme, amounted to Rs. 998,445. An annual saving of Rs. 29,423 was expected over the sum of Rs. 1,027,868 to which the Government of India considered the expenditure should have been restricted. But the lowest actual expenditure in any year had been Rs. 1,047,980; and compared with this amount, the actual saving was only Rs. 49,535.<sup>3</sup> Besides this, the chief Commissioner considered a police system under which the entire police force was armed with muskets as radically wrong. He, therefore, proposed that the armed portion of the force should be separated from the ordinary civil constabulary<sup>4</sup> and should be known as the armed police. The civil portion of this force to be styled as the 'police constables' should receive no instruction in the use of fire-arms or any other military training. They were to be armed only with baton. The division of the police into two sections was not to be extended above the rank of Deputy

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1. Home Dept., Police Progs., August 1865, No. 4.

2. The numerical reduction proposed by the Chief Commissioner consisted of 12 mounted Head Constables, 100 mounted Constables, 19 Head Constables foot, second grade, and 334 Constables. Vide Home Dept., Police Progs., April 1867, No. 267.

3. Home Dept., Police Progs., April 1867, No. 26.

4. Home Dept., Police Progs., 1867, No. 27.

Inspector or Chief Constable. Officers above that rank would belong to the general police force, and would exercise authority over both sections. The Chief Commissioner expected that the separation of the duties would render the police service more popular, as several men, who could be good police-men hesitated to enter this service from the fear of having to shoulder a musket and do sentry duty. Moreover, the political objections to putting fire-arms into the hand of a large body of men over whom there could be no real control, would be removed. The Chief Commissioner proposed that the total strength of the armed police in Avadh, of all grades, should be 2,331, of which actually 2,181 men should be armed with muskets. There were, then, in Avadh 6,240 men armed with muskets. Thus, there would be a reduction of 4,059 muskets.<sup>1</sup> The Chief Commissioner was authorized by the Government of India to undertake the reorganization of the police on the lines proposed by him.<sup>2</sup>

### **Relations of the Police and Magistracy**

In almost every province, specially in Avadh, there was at first a strong tendency to make the police virtually a separate department, practically independent of the magistrate of the district and of the Commissioner, and to give it the form of a quasi-military organization. But, there was a section which advocated that the magistrate of the district should have complete authority over the police. Act V of 1861, upon which the administration of the police in India was mainly based, provided a compromise between the irreconcilable opinions of the two schools whose opinions were in conflict when the Act was passed. Since, Section 4 of the Act was vaguely and unintelligibly expressed, it received different interpretations in different provinces and at different times.<sup>3</sup> But, in course of a few years, it was

1. Home Dept., Police Progs., April, 1867, No. 27.
2. Home Dept., Police Progs., April 1867, No. 28.
3. Home Dept., Police Progs., April 1867, No. 27.

everywhere proved by experience that the efficiency of the police could be increased only by its complete subordination to the district officer and the Divisional Commissioner. In Avadh, Wingfield had been a strong exponent of this view. He earnestly endeavoured to place the police administration in entire subordination to the Deputy Commissioner of the district and the Divisional Commissioner.<sup>1</sup> In 1865, rules were framed for the guidance of civil and police officers in Avadh<sup>2</sup>. According to the rules police duties were declared to be of two kinds; first, duties relating to the interior economy, organization, and discipline of the force, and purely departmental matters; second, duties connected with arrangements touching the public welfare and security, and the prevention, detection and prosecution of crime.<sup>3</sup> For the duties falling under the first head, the District Superintendent was immediately and solely responsible to the Inspector General of Police. In respect of duties under the second head, the District Superintendent was made entirely subordinate to the Deputy Commissioner of the district, and, in fact, he was his assistant in the police department. But to preserve the legitimate influence and authority of the District Superintendent over the police force, the Deputy Commissioner was required, as a rule, to issue all orders through him. The functions of the Inspector General of Police were mainly confined to general control of the interior economy, organization and quasi-military duties of the police force, and he had little or no power of control over the ordinary operations of the police.<sup>4</sup>

In spite of all that had been done, the object, however, could not be fully attained. Though there was no antagonism between the police and the executive officers now, yet neither the magistrate of the district nor the Commissioner

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1. Avadh Administration Report, 1859-60, para 59.
  2. Home Dept., Police Progs., April 1865, No. 25.
  3. Home Dept., Police Progs., April 1865, No. 24.
  4. Home Dept., Police Progs., April 1865, No 24.

realised the fact that they were as directly responsible for the management of the police as for any other branch of the executive administration. Reports and periodical returns regarding the administration of police for which the Deputy Commissioners and Commissioners were mainly responsible reached the Chief Commissioner through the Inspector General of Police, who was not responsible for the administration of the province. The Inspector General broke the chain of communication between the Deputy Commissioners, the Chief Police Officer of the district and the Chief Commissioner. Consequently, the Chief Commissioner's influence could not be brought to bear so directly and powerfully on the police administration as it could be under another system. To remedy this anomalous state of things, the Inspector General of Police was appointed a Deputy Secretary to the Chief Commissioner on the proposal of Strachey,<sup>1</sup> in which capacity he was to receive and lay before the Chief Commissioner the reports of the Commissioners and Deputy Commissioners regarding those branches of police administration for which they were responsible, and all orders of the Chief Commissioner to the Commissioners of the divisions regarding police were to be transmitted through him. Strachey believed that the change would make Commissioners and Deputy Commissioners feel responsible for the police administration of their divisions and districts. Moreover, they would be brought under the direct supervision of the Chief Commissioner.<sup>2</sup> The Chief Commissioner, with a view to increasing further the efficiency of the police, proposed another measure. Since the police officers employed in upper grades could not rise higher than the District Superintendents, they were not satisfied with their position and prospects. This feeling naturally took away all inducement for cheerful work. He, therefore, advocated that the European officers in the grades of

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1. Home Dept., Police Progs., April 1867, No. 28.

2. Home Dept., Police Progs., April 1867, No 27.



District Superintendents and Assistant Superintendents should form part of the Avadh Commission, and should be invested with the powers of Assistant Commissioners. This would be in itself a very great gain; the position of the police officers would be much improved, and the general efficiency of the administration would increase by addition to the strength of the Commission<sup>1</sup> But, this measure to amalgamate the police with the general civil service of the province could not receive sanction because the Governor-General-in-Council considered it inexpedient and undesirable on many grounds.<sup>2</sup>

In 1869, the Governor-General-in-Council ordered a further reduction in the police expenditure of India to the extent of £ 80,000 per annum.<sup>3</sup> Accordingly, the police grant to Avadh from Imperial Funds was reduced to the limit of Rs 950,000, and the Chief Commissioner was directed to carry out retrenchment in the police establishments by abolishing the posts of Assistant District Superintendents and the separate Superintendent of Lucknow city, and by reducing the proportion of the Deputy Inspectors and Chief Constables to constables in each district.<sup>4</sup>

Considering the extent of Avadh and its population, the police force in the province could not be considered a large one or in any way excessive. There was one regular police man to every  $4\frac{1}{2}$  square miles, and one to every 1976 of the population; and if those of the police actually employed on military duties be deducted, there only remained a proportion of one in every 6 square miles, and one to every 2918 of the population. The new Chief Commissioner, Davies, while expressing his views on the Government order, put forward the following points for reconsideration by the Governor-General-in-Council.

1. Home Dept., Police Progs., April 1867, No. 27.
2. Home Dept., Police Progs., April 1867, No. 28.
3. Home Dept., Police Progs., 8 January 1870, No. 4, (Resolution No. 735 of 16 October 1869).
4. Home Dept., Police Progs., 30 October 1869, No. 3.

(1) In Avadh, there were only four Assistant District Superintendents of Police and it was not possible to dispense with them, as officers would be required to officiate for the District Superintendents of Police absent on furlough to England or otherwise. If the officiating appointments were to be filled by Inspectors of Police, there would be deterioration of the force, and eventually every District Superintendent of Police in Avadh would be an officer, who had been promoted from the rank of Inspectors.<sup>1</sup>

(2) It was not feasible to abolish the post of the City Superintendent for Lucknow and to make over the city to the Head Inspector under the supervision and control of the District Superintendent. No single Superintendent of Police could possibly manage properly the instructions, drill and discipline of the entire body of police in the district, city and the cantonment of Lucknow, amounting roughly to 1,800 men, and at the same time attend to the duty of detecting and prosecuting crime in these three jurisdictions.<sup>2</sup>

(3) The grant of Rs. 950,000 fixed by the Government should be considered the grant for the regular police of the province, leaving the Government contribution to the Lucknow city police as a separate charge, which had always been the case since 1862.<sup>3</sup>

Notwithstanding the forceful arguments of the Chief Commissioner, all his proposals, except for the retention of Lucknow City Superintendentship, were turned down by the Governor-General.<sup>4</sup> He was directed to make such arrangements as would enable him to meet the contribution to the city police and to provide for all other requirements of the province out of the total Imperial grant of 9½ lakhs.<sup>5</sup> Thus,

1. Home Dept., Police Progs., 5 March 1870, No. 31.
2. Home Dept., Police Progs., 22 January 1870, No. 8.
3. Home Dept., Police Progs., 24 January 1870, No. 9.
4. Home Dept., Police Progs., 25 January 1870, No. 8.
5. Home Dept., Police Progs., 5 March 1870, No. 32.

the Chief Commissioner effected the following reductions in the police establishment of the province:—

4	Assistant District Superintendents	Rs. 19,200
4	Chief Constables at Rs. 30 each	Rs. 1,440
12	Mounted Head Constables	Rs. 4,320
19	Foot Head Constables	Rs. 2,736
100	Mounted Constables	Rs. 30,000
498	Foot Constables	Rs. 35,856
Total		<u>Rs. 93,552</u>

In the police Budget for 1869-70, Rs. 1,027, 796 were allocated to the Avadh police, and the expenditure for 1870-71 after reductions under various heads was estimated at Rs. 925,516. If the Government contribution of Rs. 24,000 to the City police be added to the estimated amount, the total expenditure for Avadh police stood at Rs. 949,516, leaving a margin of Rs. 484 on the grant limit of Rs. 950,000, which the Government of India had determined.<sup>1</sup> This drastic pruning of the Avadh police budget decreased the numerical strength of the police force to 5,888 men of all grades<sup>2</sup> and depleted the establishment to a point which was hardly compatible with the repression of crime and main-

1. Home Dept, Police Progs., 15 January 1870, No. 49.

2. The strength of the Police force as stood in 1869 and 1870 :—

	1869	1870
Inspector General of Police	1	1
District Superintendents	12	12
Assistant District Superintendents	4	—
Inspectors	36	36
Deputy Inspectors	72	72
Chief Constables	125	121
Head Constables, Foot	755	736
Head Constables, Mounted	24	12
Constables, Mounted	240	140
Constables, Foot	<u>5,256</u>	<u>4,758</u>
Total :—	<u>6,525</u>	<u>5,888</u>

tenance of peace and order. Besides, the province was rendered ill-protected in comparison to other provinces.<sup>1</sup>

### Rural Police

The importance of rural police can hardly be over-estimated. In 1815, Lord Hastings described it as "the foundation of all possible police in the country."<sup>2</sup> In Avadh there had existed from time immemorial a system of rural police. Each village had its *chaukidar*, who usually belonged to one of the menial castes. His appointment was hereditary, and he derived his emoluments from the assignments of rent-free land and grain fees on each harvest. On the annexation of the province, the system of rural police prevalent in the North-Western Provinces was introduced into Avadh. Under this system two or more villages were arbitrarily grouped together to form a single charge, as a result of which half of the hereditary *chaukidars* lost their posts, and strangers took their place. The Government paid them in cash instead of in rent-free land or grain dues. At the summary settlement a percentage between 6 to 7 on the government demand was imposed as an additional cess for the payment of village *chaukidars*, who, in fact, became government servants.<sup>3</sup> This change proved distasteful to all. The village people always liked to have their own watchman. The land holders too complained that the new village watchmen, when paid by the government, considered themselves independent of the land holders, and it was unfair to hold them responsible for law and order in the villages, when they had no authority. Hence several experienced and able officers strongly advocated a return to the indigenous system of rural police. The Chief Commissioner, therefore, sanctioned this course wherever it was found in vigour in the province. Now, the land proprietors were called on to nominate their own

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1. Home Dept., Police Progs., 15 January 1870, No 49.

2. Cambridge History of India, Vol. VI, p. 514.

3. Avadh Administration Report, 1859-60, para 63.

*chaukidars*, and to provide for their payment in the manner in which it had hitherto been customary to remunerate them. The land proprietors were, at the same time, warned that, while the government refrained from interfering with the police arrangements of their estates, they would be held solely responsible for the efficiency of their own arrangements.<sup>1</sup> The village *chaukidars* were required to report crime, apprehend offenders, and aid the police in effecting their apprehension. By this arrangement it was hoped that the indigenous machinery would continue to work undisturbed, and that petty crime would be as rare as in the old regime. But these ends could never be attained,<sup>2</sup> and the evils of the system soon became perceptible. Firstly, in the discharge of their duties the *chaukidars* were expected sometimes to make themselves obnoxious to the land holders and villagers, and yet they had to look to them for their remuneration. This anomalous state of situation under which the *chaukidars* had to work greatly discouraged them in the faithful discharge of duty.<sup>3</sup> Secondly, the taluqdars and the land holders generally appointed a very inadequate number of *chaukidars*. Besides this, the number of detached homesteads, better known as *poorwas*, which the villages in Avadh generally consisted of, also presented an element of difficulty because it was beyond the power of a single *chaukidar* to watch over all the outlying *poorwas*. Thirdly, the insufficiency of the remuneration paid by the taluqdars and the land holders gave rise to discontent among them and compelled them to devote much of their time to providing for their subsistence by field labour.

These evils operated to a greater extent in increasing the number of petty thefts and burglaries. The Chief Commissioner, after carefully considering the reports from all Commissioners and Deputy Commissioners on the condition of the

1. Avadh Administration Report, 1859-60, paras 65-67.
2. Home Dept., Police Progs., August 1868, No. 2.
3. Home Dept., Police Progs., May 1864, No. 5.

village police, and its bearing on the increase of crime, issued instructions<sup>1</sup> that lists of all the *chaukidars* be prepared by the District Superintendent of Police, and submitted to the Deputy Commissioner, who, after reviewing them, would let the land holders know where the number was insufficient. Although, no rigid rule on this point could be laid down, one *chaukidar* to 60 houses was considered the due proportion. But, where the village was more compact it was felt that more than 60 houses could be allotted to one *chaukidar*. In like manner, the Deputy Commissioner was empowered to ascertain in cash the amount of remuneration enjoyed by each *chaukidar*, and to ask the land holders to raise it, if it was inadequate, warning them that if they disregarded the orders, the Government would revert to cash payment, which was fixed at settlement.<sup>2</sup> In 1865, considerable efforts were made to improve the condition of the rural police. As ordered by the Chief Commissioner, lists were prepared and submitted to the Deputy Commissioners. In most districts the number of *chaukidars* for each village and the remuneration to be given to each *chaukidar* were fixed.<sup>3</sup> These measures steadily increased the number of *chaukidars*. The following statement shows the strength of *chaukidars* in Avadh for the years 1865 to 1876<sup>4</sup> :—

Year	Number of chaukidars	Year	Number of chaukidars
1865	30,445	1871	31,679
1866	32,249	1872	32,075
1867	32,329	1873	32,610
1868	32,988	1874	32,412
1869	32,929	1875	32,829
1870	32,308	1876	32,772

1. Chief Commissioner's Circular Order No. 20 of 1864 vide A Digest of Chief Commissioner's Circular Orders (Lucknow, 1875), p. 292.

2. Chief Commissioner's Circular Order No. 20 of 1864, vide A Digest of Chief Commissioner's Circular Orders (Lucknow, 1875), p. 292.

3. Home Dept., Police Progs., 26 November 1866, No. 4.

4. Compiled from Avadh Police Reports, 1865-76.

Although there was some improvement, the question of regular and sufficient payment to the *chaukidars* still remained unresolved. The six percent cess was quite inadequate to meet the charges at Rs. 24 per annum for each *chaukidar*, at the rate of one *chaukidar* to 60 houses. In many villages which had six times 60 houses, but very little revenue to pay, 6 percent cess was barely adequate to pay even one *chaukidar*.<sup>1</sup> To obviate this difficulty, Muir's Act of the North-Western Provinces, popularly known as Act II of 1865, was extended to the province of Avadh in 1867, to be introduced in all villages where 6 percent cess was insufficient for paying Rs. 24 per annum to each *chaukidar*.<sup>2</sup> The land holders and the taluqdars were also very reluctant to pay them regularly and sufficiently. Sometimes they received no pay for 3 to 4 years. In many instances, the *chaukidars* did not receive what they should have and as land holders had the full powers to dismiss them, the *chaukidar*, for fear of losing the job could not dare complain against the land holders.<sup>3</sup> With a view to obviating this drawback the land holders were forbidden to dismiss *chaukidars* except with the sanction of the Deputy Commissioner.<sup>4</sup> This Circular was stated to have excellent effect, but the position regarding sufficient remuneration and prompt payment still remained unsatisfactory. Every year, there were numerous complaints from the *chaukidars* about arrears of wages, and the Deputy Commissioners had to intervene vigorously to deal with these cases. The following statement shows the number of complaints by the *chaukidars* for arrears of pay and number of cash payments ordered by the Deputy Commissioners for the years 1867 to 1876<sup>5</sup> :--

1. Avadh Police Report, 1866, para 222.
2. Avadh Police Report, 1867, para 120.
3. Home Dept., Police Progs., 26 November 1866, No. 4.
4. Avadh Police Report, 1868, para 565; Chief Commissioner's Circular Order No. 28 of 5 May 1868, vide A Digest of Chief Commissioner's Circular Orders, p. 292.
5. Avadh Police Report, 1867-76.

Years	Number of complaints by <i>chaukidars</i>	Number of cases in which cash payments ordered	Number of cases in which <i>chaukidars</i> were appointed on cash payment by Dy. Commissioners
1867	3,407	2,386	880
1868	3,964	2,095	1,199
1869	3,779	2,058	1,001
1870	2,962	1,345	877
1871	3,826	1,891	1,231
1872	4,566	2,359	1,133
1873	3,715	2,613	1,013
1874	2,980	2,665	1,139
1875	3,434	1,965	1,476
1876	2,819	1,756	1,273

The above statement shows that, notwithstanding sincere efforts of the magistrates and police officers, the arrangements for remuneration of the *chaukidars* could not be placed on a sound footing. The greatest number of complaints arose from the land allotted to the *chaukidars*. On investigation, it was found that every species of trickery was resorted to by the land holders and the *lumberdars* to cheat their *chaukidars* of their proper dues<sup>1</sup>. During the period 1872 to 1876, the Deputy Commissioners found it necessary in 6,034 cases to resort to cash payment to be collected with the revenue as a permanent measure. It is worthwhile to note that in spite of the settled policy of paying the *chaukidar* in land or grain dues, the Avadh Administration was gradually drifting into a system of cash payments to the whole of the *chaukidars*.<sup>2</sup> Land as the mode of remuneration was, no doubt, best but the introduction of new laws and regulations had

1. Avadh Police Report, 1875, para 98.

2. Avadh Police Report, 1872, para 262.



so materially altered the relations between the land holder and the *chaukidar* that their conversion into paid government servants was the only practical solution to this vexed question.<sup>1</sup> Had they been made paid government servants earlier, much of inconvenience and labour could have been avoided.

On the usefulness of the *chaukidars* as a detective body, the Deputy Commissioners and Commissioners held widely different views. Some of them were highly critical of the *chaukidars*, but the majority of officers spoke favourably about them. If the *chaukidars* remained indifferent to the duty of reporting and detecting the crime, it was certainly due to the inconvenience which they felt in leaving their villages and walking a long distance to report crime at the police stations.<sup>2</sup> In 1865, therefore, the Inspector General of Police suggested the appointment of head *chaukidars* or *jamadars* of circles.<sup>3</sup> He proposed to form circles of about 20 villages each, and to appoint best *chaukidars* of those circles as head *chaukidars* or *jamadars*. All *chaukidars* in a circle were at once to report commission of any offence to the head *chaukidar* whose duty would be to arrange for apprehension of or tracing the offender until the arrival of the regular police.<sup>4</sup> This scheme had already been tried by Garstin in the district of Hardoi with considerable success.<sup>5</sup> The Chief Commissioner approved this scheme;<sup>6</sup> and it was introduced in some districts of the province. In 1872, the head *chaukidars* were granted certain allowances. They had so far received no allowance over their pay as village *chaukidars*. The Chief Commissioner sanctioned an allowance of Rs. 10 each per annum to 580 *chaukidars* to

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1. Ibid., para 263

2. Avadh Police Report, 1866, para 223.

3. Home Dept., Police Progs., 26 November 1866, No. 4.

4. Avadh Police Report, 1866, para 225.

5. Home Dept., Police Progs, 26 November 1866, No. 4.

6. Ibid., No. 4 A.

perform the duties of head *chaukidars*.<sup>1</sup> Five years experience showed that the system worked admirably, and the head *chaukidars* gave efficient aid to the regular police. But the working of these head *chaukidars* could not be what it ought to have been. Full work could not be got out of them because they had also their own villages to look-after. To relieve them from the duty of village watch and ward would have cost the Government only Rs. 20,880 more, but the Avadh Commission could not afford to spend that much owing to lack of funds.

After 1870, there was no important change in the strength and organization of the force in Avadh. In 1876, the strength of the regular police of all grades stood at 5,887 and the strength of the force excluding all guards on quasi-military duties was 4,886. There was, thus, one police man for every 5.05 square miles and every 2,392 persons.<sup>2</sup> It is to be noted that the police in Avadh since its formation had remained under a process of experimentation, and only in 1870 that process ceased to operate when the force was reduced to a strength hardly sufficient to meet the demands of law and order in the province.

On the amalgamation of the province with the North-Western Provinces, the police departments of the two provinces were incorporated in one department under an Inspector-General.<sup>3</sup> The Inspector-General of the North-Western Provinces became Inspector-General of Police in Avadh also. Colonel Barrow was retained as Deputy Inspector-General for the latter province. During the period of transition, all references to the Inspector-General from Avadh passed through the Deputy Inspector-General.<sup>4</sup>

Having described the various stages of reductions and modifications in the constitution of Avadh police, we shall

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1. Avadh Police Report, 1876, para 181.

2. Avadh Police Report, 1876.

3. Home Dept., Police Progs., March 1877, No. 63.

4. Home Dept., Police Progs., March 1877, No. 62.

briefly assess its achievements and failures. The work of the police must be judged by the extent of its success in dealing with crime. Viewed from this angle, the statement of the Inspector-General of Police, Colonel Barrow, that, "the Oudh police can take credit to themselves for having put down violent crime in the province, and those who knew Oudh in former years will remember to what extent violent crime existed,"<sup>1</sup> appears to be fallacious. If it be presumed that violent crimes did exist in Avadh in former years, the police administration reports of the province do not show any appreciable decrease in the number of crimes. On the contrary, there was an upward trend.<sup>2</sup>

The rise in the crime of rioting and unlawful assembly is most remarkable. In 1861, only 78 cases of rioting were reported.<sup>3</sup> In 1871, the number increased to 495, and the Government of India expressed concern over a steady increase in crimes notwithstanding the repeated notice taken of it.<sup>4</sup> In 1871, again the Governor-General-in-Council observed that the rapid increase of cases of riot and unlawful assembly throughout the province since 1861 was a most serious matter. The Avadh Administration, instead of applying stern measures to check it, alleged that a large number of reported cases of riots were only assaults and affrays by two or three persons.<sup>5</sup> Many of these cases, no doubt, could be pretty offences, but others like one that occurred in the village of Surkandra Deeh in Sultanpur district resulting in the murder of nearly all the male members of the family of a village zamindar, Naurang Khan,<sup>6</sup> could not be

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1. Avadh Police Administration Report, 1876, para 195.

2. See Appendix No. III.

3. Home Dept., Police Progs., September 1863, No. 5.

4. Home Dept., Police Progs., 3 September 1870, No. 3.

5. Home Dept., Police Cons., August 1873, K. W. No. 98-100.

6. Avadh Police Administration Report 1867, para 166. The riot took place on 6 November 1867 in the village of Surkandra Deeh in Sultanpur district.

classified as cases of minor assaults or affrays. The people of Avadh were not more unruly or given to more fighting than the people of Rohilkhand, Bihar or Punjab. Moreover, the laws were the same in Avadh as elsewhere, and the technical definition of a riot was the same in Avadh as in the rest of India. Yet, there was a far larger proportion of this class of offence,<sup>1</sup> which clearly indicates the unsatisfactory and deplorable state of police administration in the province of Avadh. The same tendency was manifest in offences against property. The Inspector-General of Police in his report for the year 1865 attributed the increase to three causes; large number of persons out of employment, failure of the punishment to act as sufficient deterrent to crime, and the defective state of the rural police.<sup>2</sup> We need not examine the validity of all these reasons. It is, however, true that the lenient treatment of the minor classes of crimes necessarily led to an increase of theft.<sup>3</sup> We may conclude by saying that Avadh police failed in the task of preventing and suppressing crimes to a very great extent. The following tables may give some idea of the results of police operations in Avadh :

TABLE I

*Percentage of cases of all kinds investigated to those reported, of cases arrested to those investigated and of persons convicted to those tried.*

Years	Percentage of cases investigated to those reported	Percentage of persons arrested to those investigated	Percentage of persons convicted to those tried
1867	32.73	46.10	77.91
1868	30.68	42.65	75.94
1869	33.93	46.19	76.29
1870	32.16	40.55	75.05
1871	31.60	43.80	71.56
1872	33.37	47.43	77.44
1873	36.92	46.21	76.48
1874	40.13	45.72	76.80
1875	35.67	41.19	73.25
1876	32.83	40.78	72.49

1. Home Dept., Police Cens., August 1873, K. W. No. 98-100.

2. Home Dept., Police Progs., 26 November 1866, No. 4.

3. W. C. Bennett, Gazetteer of the Province of Oudh (Lucknow, 1877), Vol. I, Introduction, p. 61.

TABLE II

*Statement showing cognizable crime with results of police operations from 1867 to 1876*

Year	Total number of cases of cognizable	Total number of cases investi- gated	Total number of cases convicted	Total number of persons arrested	Total number of persons convicted	Total number of persons ac- quitted
1867	42,880	16,770	7,886	18,338	13,300	5,038
1868	55,043	20,586	9,355	21,037	16,773	4,304
1869	66,897	26,810	12,748	27,086	21,796	5,290
1870	61,468	24,177	11,805	25,793	19,778	6,012
1871	65,237	25,557	12,054	28,532	21,720	6,800
1872	90,303	35,761	17,291	34,864	27,428	7,430
1873	82,458	35,114	16,199	32,376	24,809	7,554
1874	64,349	30,921	14,333	30,905	22,281	8,513
1875	62,923	29,307	13,342	31,054	22,272	8,601
1876	62,002	28,104	12,995	30,121	22,326	7,781

These tables give the statistics of those crimes with which the police were principally concerned. If the investigations of cases and prosecution and conviction of persons involved therein be the real and only test of police operations, then, of course, it may fairly be maintained that the Avadh police had no reason to shrink from a comparison with other provinces.

## CHAPTER IV

# LAND POLICY AND LAND REVENUE ADMINISTRATION

### I. LAND POLICY

The profound changes that occurred in British Indian policy after the mutiny are no where so distinctly perceptible as in the system of land administration in Avadh.<sup>1</sup> In 1856, Dalhousie, with a view to redressing the wrong done to the common cultivators of the land under the late government had instructed the Avadh Commission to make the land settlement "village by village, with the parties actually in possession,"<sup>2</sup> that is "with village zamindars or with the proprietary coparcenaries, which are believed to exist in Oudh, and not to suffer the interposition of middle-men as taluqdars and farmers of the revenue."<sup>3</sup> The claims of these taluqdars, if they had any tenable claim, were to be considered at the time of the regular settlement or they could be judicially decided, if brought before the courts competent to investigate and decide upon them.<sup>4</sup> The object of Dalhousie was to benefit the masses and not to punish the taluqdars. It was indeed a just and fitting policy. Gubbins is right when he says, "and surely if no redress was to be granted, and no wrong to be repaired to what end was our mission in Oudh, and what business had we in the country?"<sup>5</sup> Scarcely had the summary settlement been completed when the mutiny broke out and threw everything into disorder. In this rising most of the taluqdars and land

1. H. C. Irwin, *The Garden of India*, p. 191.

2. For. Dept., Pol. Cons., 6 June 1856, No. 193, para 14.

3. Ibid., para 15.

4. Ibid., para 15.

5. M. R. Gubbins, *The Mutinies in Oudh*, p. 67.

proprietors rose against the British. The peasants whose rights had been restored by the East India Company also arrayed themselves on the side of the taluqdars and the enemies of the state; they relapsed into their former subjection to the taluqdars; and obeyed their authority as if they had been their lawful suzerain<sup>1</sup> It led to a false notion among the government and its officials that the taluqdars were driven to take arms against the British by their utter disregard and exclusion at the summary settlement. This contention cannot be substantiated by the facts. As mentioned elsewhere, out of 23543 villages held by the taluqdars at the time of annexation no less than 13640 were settled with them. Besides, they never resented the loss of their *talukas* at that time.<sup>2</sup> Some of the taluqdars were, no doubt, hard hit by the measure, but they were not the only taluqdars to rise against the British during the revolt. The fact that the taluqdars easily re-established their previous position and influence over the cultivators indicated that the village holders or occupants did not appreciate the British endeavours to better their rights. Had they valued their restored rights, they would have willingly supported the British Government. Lord Canning believed that "they acted in fact as though they regarded the arrangement made at the settlement as valid and to be maintained just so long as British rule lasted, and no longer, and as though they wished the taluqdar to reassert his former rights and re-assume his ancient position over them at first opportunity. Their conduct amounts almost to an admission that their own rights, whatever these may be, are subordinate to those of the talookdar."<sup>3</sup> But the fact was otherwise. The village communities rallied round the taluqdars during the mutiny not because of their predilection

1. The Governor-General's letter to the Secret Committee, 17 June 1858, No. 26 $\frac{1}{2}$ . Vide Parliamentary Papers, House of Commons, 1859, Vol. 18, Paper No. 110.
2. George Campbell, *Memoirs of My Indian Career*, Vol. II, p. 13.
3. For. Dept., Pol. Cons., 5 November 1858, No. 193, para 34.

for the feudal system of tenure but because of the following considerations :

(i) As most of the mutineers were their kinsmen and co-religionists, the people of Avadh identified themselves with their cause.

(ii) The taluqdars had strong forts and numerous retainers. Therefore, the peasants gladly accepted them as their leaders in the struggle against the common enemy.<sup>1</sup>

(iii) The people of Avadh were fighting for the independence of Avadh and not against any particular grievance. They hated and feared British power more than they disliked the taluqdars.<sup>2</sup>

Therefore, it cannot be inferred that they preferred the rule of the taluqdars to independence from their yoke. However, opinion had changed during the mutiny. The Government of India was convinced from the events of the mutiny that the taluqdars deserved favourable considerations at the hands of the government.<sup>3</sup> Military considerations demanded that it was expedient to pacify the taluqdars to engage with them for the payment of the government revenue of all villages included in their *taluga* at the time of annexation in 1856.<sup>4</sup> Politically, too, they were expected to assist in the re-establishment of British authority and restoration of tranquillity.<sup>5</sup>

These considerations led the Government of India to make a taluqdari settlement in Avadh. Canning went so far as to declare that "the talookdaree system is the ancient, indigenous and cherished system of the country" and in the

1. Political Despatch from the Secretary of State, 24 April 1860, No. 33.
2. Ibid., No. 33.
3. W.C. Benett, Gazetteer of the Province of Oudh, Vol. I, p. LVI.
4. H. C. Irwin, Op. Cit., p. 18 .
5. For. Dept., Pol. Cons., 5 November 1858, No. 193, para 35.



province of Avadh "village occupancy, independent and free from subordination to the talookdars has been unknown." Simultaneously, he desired the settlement to be made in such a manner as to secure the village occupants from extortion.<sup>1</sup> The confiscation proclamation,<sup>2</sup> though intended to be a measure of coercion and punishment to the rebellious taluqdars, annihilated all rights in the soil and provided a legal basis and free scope to start this new policy.<sup>3</sup> After promulgation of the proclamation all taluqdars were called on to tender their allegiance and receive back their lands. In consequence estates paying to the government a revenue of Rs. 5,230,935 were settled before the publication of the Queen's amnesty.<sup>4</sup> The taluqdars were treated as belligerents, not as rebels.<sup>5</sup> Major Barrow was appointed Special Commissioner of Revenue.<sup>6</sup> The summary settlement operations commenced from December 1858,<sup>7</sup> and the status at annexation was made the basis of settlement. The main object in view and the principle of the settlement were to reconfer proprietary rights on persons possessing the strongest prescriptive title and to impose as far as possible a moderate assessment.<sup>8</sup>

The entire land revenue assessed under this summary settlement was Rs. 10,420,990, besides Rs. 599,856 on resumed rent-free lands. The revenue demand in the last year of Wajid Ali Shah's rule was Rs. 13,803,731. In 1856 under British rule, it amounted to Rs. 10,489, 755. Thus, under

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1. Ibid., para 34.

2. See Appendix IV.

3. Prichard, *The Administration of India*, Vol. I, p. 29.

4. For. Dept., Pol. Cons., Supplementary, 30 December 1859, No. 497.

5. Prichard, *Op. Cit.*, Vol. I, p. 33.

6. For. Dept., Pol. Cons. Supplementary, 30 December 1859, No. 496.

7. Ibid., No. 497.

8. Ibid., No. 509.

the summary settlement of 1858-59, there was a net decrease of Rs. 68,685.<sup>1</sup>

In 1856, out of 23,522 villages paying to government Rs. 6,716,838, 13,640 villages paying Rs. 3,508,519 were settled with taluqdars and 9,903 paying Rs. 3,208,319 were settled with sub-proprietors. In 1858-59, out of 23,564 villages paying Rs. 6,604,315, 22,658 villages paying Rs. 6,193,559 were resettled with taluqdars and 906 paying Rs. 410,756 were settled again with sub-proprietors. The difference of Rs. 112,523 in the total *juma* in 1856 and in 1858-59 was due to the estates settled at half rates as rewards for services<sup>2</sup>. In settlement with a taluqdar, a *Kabuliyat* and a special engagement in general terms, promising not to deal harshly with his under-tenants, were taken from him and a list of the villages composing his *taluka* was furnished to him in which the *juma* of each village or *mahal* was separately defined.<sup>3</sup> This summary settlement was fixed for three years effective from 1 May 1858, or until a detailed settlement could be carried. But in Gonda and Bahraich, which had been devastated during the mutiny, it was prolonged to 1 May 1867.<sup>4</sup> The preparations for a regular settlement were going on concurrently with the summary settlement. Barrow asked all officers of the Commission to impress upon all landholders within their jurisdiction that rights conferred upon them by the summary settlement were "free and incontestable grant from the paramount power" and were to be considered to be final and lasting. They could not be called in question during the regular settlement.<sup>5</sup>

In May 1859, Charles Wingfield was appointed Chief Commissioner of Avadh in place of Montgomery who had

1. Ibid, No. 509.
2. For. Dept., Pol. Cons., Supplementary, 30 December 1859, No. 502.
3. For Dept., Pol. Cons., 30 December 1859, No. 850.
4. For. Dept., Pol. Cons., 9 March 1860, No. 223.
5. For. Dept., Pol. Cons., 20 May 1859, No. 284.

been appointed Lieutenant-Governor of the Punjab.<sup>1</sup> In June 1859, he represented to the Government of India that no class of the population in the province believed in the long continuance of the possession conferred by this settlement. The taluqdars were afraid that the government had restored their estates merely to purchase their submission and the speedy restoration of order and they would be thrown over at the next settlement. The village proprietors, on the other hand, believed that the taluqdars would be ejected in their favour after they had been rendered powerless. Thus, a spirit of antagonism was kept alive.<sup>2</sup> Wingfield argued that if no such exclusion of the taluqdars was contemplated, there was no use of giving the village proprietors hopes of a re hearing at the next settlement.<sup>3</sup> He wished to set at rest this uneasy feeling among the taluqdars. An opportunity was soon at hand Canning was to distribute *sanads* to the taluqdars in respect of their lands. Wingfield wanted that a clause declaring the finality and perpetuity of the settlement should be inserted in the *sanads*. He was convinced that an explicit assurance to this effect in *sanads* would remove the distrust and ensure complete success of the taluqdari system.<sup>4</sup>

On 10 October 1859, the Government of India declared that every taluqdar, with whom a summary settlement had been made since the reoccupation of the province, had thereby acquired a permanent hereditary and transferable proprietary right in the *taluqa* for which he had engaged including the perpetual privilege of engaging with the government for the revenue of the *taluqa*. This right, however, was conceded subject to any measure which the government might think proper to take for protecting the inferior zamindars and village occupants from extortion and holding their

1. For. Dept., Pol. Cons., 13 May 1859, No. 4.

2. For. Dept., Pol. Cons., Supplementary, 30 December 1859, No. 493.

3. Ibid, No. 494 B.

4. For. Dept., Po. Cons., Supplementary, December, 1859, No. 493.

rights in the soil, in subordination to the taluqdar. As regards the zamindars and others not being taluqdars, orders of Circular No. 31 of 28 January 1859, were not to be strictly observed. All disappointed persons were to be allowed an opportunity at the next settlement to bring forward their claims, which were to be decided in usual manner.<sup>1</sup> Wingfield did not feel satisfied with the conditions laid down by the government. He represented that a less qualified bestowal of the proprietary right on the taluqdars would not satisfy expectation, and would "unsettle the minds of inferior proprietors, and encourage extravagant hopes of independence. It would further alarm the taluqdars, and make them regard the gift of the proprietary right as a mockery and a delusion."<sup>2</sup> But the Governor-General was not prepared to obliterate the rights of subordinate proprietors or others in the taluqdari estates which Wingfield had as his object.<sup>3</sup> Ultimately, a clause was inserted in the *sanads* to this effect that "all holding under you shall be secured in the possession of all the subordinate rights they formerly enjoyed."<sup>4</sup> On 25 October 1859, the *sanads*<sup>5</sup> were distributed by Canning to 117 taluqdars.<sup>6</sup>

The Secretary of State congratulated Canning for effectually disarming their suspicion and securing their loyalty by personally addressing them in *Darbar* and granting them *sanads*. But he could not conceal his feeling that it would have been expedient to allow time to the village proprietors to make known their claims before rendering the decisions of the summary settlement final and irrevocable. It would have been politic to have fixed a period of 12 or

1. For. Dept., Pol. Cons., Supplementary, 30 December 1859, No. 495.

2. Ibid., No. 495 A.

3. *Precis on Avadh Revenue System* by C. U. Aitchison. Vide Parliamentary Paper, Commons, 1865, Vol. 40, Paper No. 62.

4. For. Dept., Pol. Cons., Supplementary, 30 December 1859, No. 1495 C.

5. See Appendix V.

6. H. C. Irwin, *Op. Cit.*, p. 203.

even 20 years before the introduction of British rule in Avadh within which all claims to the recovery of rights in the soil might have been heard.<sup>1</sup>

Regarding the position of subordinate proprietors, Wood supported Canning's rejection of Wingfield's proposition "that all under-tenures should be abandoned at the mercy of the taluqdars." He agreed that where there was an intermediate interest in the soil between the taluqdar and the ryot, the amount payable by the intermediary to the taluqdar would be fixed and recorded at the regular settlement after careful and detailed survey.<sup>2</sup>

With the grant of the *sanads*, the second summary settlement was complete. It became evident from this settlement that the expediency of maintaining the aristocratic class in India resulted in the preservation, in their entirety, of the estates of the taluqdars in Avadh. Some two-thirds of the taluqdars received back their lands.<sup>3</sup> The only estates confiscated were Gonda, Churda, Bandee, Bithowlee, Ekowna, Tulsipur, Jaghman, Roryea, and a few small estates yielding a revenue of some 30,000 rupees to the government.<sup>4</sup> Not only that the taluqdars received back their estates under a stronger title than before, much care was taken to strengthen and preserve their estates. To avoid fragmentation of the *talukas*, arrangements were made for the application of the law of primogeniture in those estates where the *gaddi* system prevailed<sup>5</sup> and Act I of 1869 was passed on 12 January 1869. To elevate the status of taluqdars, they were allowed direct access to the district officers.<sup>6</sup> To conciliate them still

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1. Political Despatch from the Secretary of State, 24 April 1860, No. 33.
  2. Ibid., No. 33.
  3. Minute of Canning, 22 April 1859. Vide For. Dept., Pol. Cons. 27 May 1859, No. 367.
  4. For. Dept., Pol. Cons., 27 May 1859, No. 367.
  5. For. Dept., Pol. Cons., September 1860, No. 202.
  6. For. Dept., Pol. Cons., 21 January 1859, No. 278.

further, the Government of India conferred upon some of them magisterial and revenue powers.<sup>1</sup> Besides, there were many other boons conferred on the taluqdars which were of no less importance.<sup>2</sup>

### Subordinate Rights

Although Canning re-instituted the taluqdari system in Avadh, he never neglected the rights of the cultivating classes. In his instructions he provided for securing village occupants against extortion and recognizing the right of the subordinate proprietors in the *talukas*.<sup>3</sup> But he failed to lay down any definite and clear procedure for maintaining such rights. This omission was exploited by Wingfield to make the taluqdars all powerful.<sup>4</sup> In his Circular No. 162, he declared that the proclamation of 1858 confiscated all rights in every species of property, and that these rights were granted to the person upon whom the estates were conferred. In another Circular (No. 165) he recognized both a superior as well as an inferior interest in the soil. The contradiction in these two orders was so obvious that the Deputy Commissioner of Unnao asked for guidance. The Chief Commissioner replied that the Deputy Commissioner was mistaken in assuming that, unless there were two distinct interests in a state there could not be a taluqdar and that the term taluqdar "should be understood in the extended sense of an opulent land-holder."<sup>5</sup> Abbott, the Commissioner of Lucknow Division, in May 1860, raised two questions : first, the meaning to be attached to the term taluqdar; and secondly, effect of the Confiscation Proclamation of March 1858 on subordinate rights.<sup>6</sup> Abbott received

1. For. Dept., Pol. Cons., 20 May 1859, No. 284; 18 November 1859, No. 129; June 1860, No. 108-9.
2. For details see Jagdish Raj, *The Mutiny and British Land Policy in North India*, Chapter II.
3. For. Dept., Pol. Cons., 5 November 1858, No. 193.
4. Jagdish Raj, *The Mutiny and British Land Policy*, p. 44.
5. For. Dept., Pol. Cons., September 1859, No. 118.
6. Ibid. No. 119.

a reply from Barrow, who was officiating as Chief Commissioner in place of Wingfield.<sup>1</sup> According to Barrow, there were three kinds of taluqdari tenure as in 1860 it existed in Avadh; ancestral, acquired, and conferred. It was only in case of conferred estates that all rights, whether of ownership or occupancy, had been confiscated, and the estates were conferred on their respective recipients free from all liens, engagements or drawbacks. The sub-proprietors, if there formerly were any, did not possess any definite interest whatever beyond what they might have derived from the grantee.<sup>2</sup> To the Government of India Barrow explained that in conferred estates, the decree of confiscation remained absolute against all rights and it was reasonable to give complete possession of land to the person whom the government desired to reward.<sup>3</sup> The Governor-General-in-Council dissented from this view. He declared that the policy of the government had been to leave the confiscation of 1858 in force only in the cases of persons who persisted in rebellion, and to restore in its integrity the ancient taluqdari tenure, wherever it had existed in Avadh in 1856.<sup>4</sup> It was a mistake to suppose that on an estate in possession of a taluqdar from annexation to the time of the mutiny, the decree of confiscation had no effect. The effect of the Proclamation on such an estate had been to grant it under a direct title from the British Government. The Chief Commissioner was ordered to cancel the orders sent to the Commissioner of Lucknow and to issue instructions in conformity with the terms of this letter.<sup>5</sup> The Chief Commissioner still tried to defend his attitude, seeking to justify his orders on the general ground that as the under-

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1. For. Dept., Pol. Cons., 30 March 1860, No. 4.

2. For. Dept., Pol. Progs., September 1860, No. 120.

3. For. Dept., Pol. Progs., October 1860, No. 563.

4. For. Dept., Pol. Progs., September 1860, No. 121; Parliamentary Papers, Commons, 1865, Vol. 40, paper No. 62.

5. For. Dept., Pol. Cons., September 1860, No. 121.

proprietors had taken an active part in the rebellion of the taluqdars, they should share in their punishment.<sup>1</sup>

Much more fatal in the long run to the interests of under-proprietors was a set of instructions regarding the record of rights and assessment which Wingfield proposed to issue to the officers appointed to carry out the regular settlement of the province. The instructions received the general sanction of the Governor-General and a Circular embodying them was issued on 29 January 1861 as the 'Record of Right' Circular. As regards under-proprietary rights to be sustained, the Circular provided that only rights existing in 1855 or just before the annexation of the province and no others were to be maintained and recorded.<sup>2</sup> This, of course, amounted to saying that no act of injustice and oppression, however, gross, committed in 1854 could be redressed. All Avadh officials knew well the tale of misdeeds of the *Nazims* and *Chakledars* who were now classed as taluqdars. "But the fact is that the need to carry the taluqdars with them weighed very heavily in the official's mind."<sup>3</sup>

This instruction was ill-founded, casual and arbitrary; it was opposed to the expressed intention of the Secretary of State, who had laid down that claims might be heard for recovery of rights in land dating back to a period of 12 or even 20 years before annexation.<sup>4</sup> The departure of Canning and assumption of the Governor-Generalship by Elgin served only to strengthen the position of Wingfield. Elgin could easily see that Wingfield, in pursuing a policy of setting up a strong aristocracy in Avadh, was sacrificing all other in favour of his theory.<sup>5</sup> But Wood asked him not to up-set that policy, but only to modify it.<sup>6</sup>

1. For. Dept., Pol. Cons., October 1860, No. 199.

2. Circular No. 2-315 of 1861. Vide For. Dept., Rev. Progs., March 1862, No. 8.

3. Jagdish Raj, Op. Cit., p. 49.

4. Political Despatch from the Secretary of State, 24 April 1860, No. 33.

5. Elgin to Wood, 21 May, 1863, Elgin Papers.

6. Wood to Elgin, 18 July, 1863. Wood Papers. Vide Jagdish Raj, Op. Cit., p. 50.



Soon after, Wingfield imposed another limitation upon the claims of under-proprietors. He ruled that all under-proprietary rights must be claimed in order to be recorded and they must be proved unless admitted by the taluqdars. No claims were to be heard after the settlement was concluded.<sup>1</sup> Wingfield insisted that all who claimed that "they have an under-proprietary right should assert it at settlement for, the settlement over, the taluqdars would be tempted to evict those who having such rights, were not recorded as possessing them if they refused to pay enhanced rents."<sup>2</sup>

But he allowed a period of three years after the date of settlement within which the claims to rectify omissions and errors might be preferred to the Revenue Courts. Elgin could not effectively tackle this problem and Wingfield went on strengthening the hands of the taluqdars. But Elgin died suddenly on 20 November 1863.<sup>3</sup>

John Lawrence's viceroyalty marked a new phase in the history of the Avadh land problem. Lawrence was a staunch exponent of the interests of the weak and depressed cultivators. Now Wingfield had to contend with a man of a much stronger personality and character. Immediately, after his arrival, Lawrence on 17 February 1864, wrote to the Chief Commissioner, expressing his conviction that the orders of the Government of India had not been carried fully into effect and asked him to explain upon what basis no proprietary rights, not enjoyed as late as the year 1855, were not to be admitted.<sup>4</sup>

The Chief Commissioner pointed out that the status quo at annexation was adopted as the principle of the summary settlement; that the rule had been in operation for three years and that it could not be abrogated or modified without

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1. Circular No. 24 of 19 March 1863.

2. For. Dept., Revenue Progs., February 1865, No. 102.

3. Jagdish Raj, *Op. Cit.*, p. 54.

4. For. Dept., Revenue Progs., February 1865, No. 100.

exposing the government to the imputation of receding from its ill-considered declaration.<sup>1</sup> Henry Maine, the Law Member was not convinced by the deduction of the Chief Commissioner. As he wrote, the *sanads* contained no promise to limit under-proprietary rights to those which existed in any particular year. Moreover, the 'Record of Rights' Circular had not received the sanction of the Secretary of State.<sup>2</sup> The Governor-General was also not satisfied. In April 1864, therefore, he met Wingfield at Kanpur to discuss the matter personally. The Governor-General desired to extend back term of limitation, then restricted to 1855 to 12 Years. Wingfield insisted on keeping 1855 as the basis of the record, but asked the Governor-General to give him time to give a final answer. After taking opinion of some eight or ten of the influential taluqdars Wingfield gave a reply to the Governor-General on 16 May 1864. He informed the Governor-General that the taluqdars were agreed to extend the term of limitation to 12 years to be counted back from the date of the summary settlement in 1858-59. But in return, they demanded three things : first, that full proprietary right should not be thereby revived; secondly, that the under proprietors should be restricted to those rights which they had enjoyed in any one particular year since the incorporation of their land in the taluqa—the under-proprietors to decide which was the most favourable; thirdly, that only those subordinate interests should be recorded which were held as a right.<sup>3</sup> The Governor-General, appreciating the viewpoint of the taluqdars, observed that this period of limitation should be counted from 1856, and not from 1858-59.<sup>4</sup> He accepted all the conditions but ordered that if a claimant to subordinate rights failed to substantiate such

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1. For. Dept., Revenue Progs., February, No. 103.

2. Minute by H.S. Maine, 10 July 1864. Vide For. Dept., Revenue Progs., February 1865, No. 129.

3. For. Revenue Progs., February 1865, No. 128, Appendix (Wingfield's letter, 28 May 1864).

4. Jagdish Raj, *Op Cit.*, p. 57.

rights, he was not to be barred from being admitted as a hereditary tenant. The Chief Commissioner had endeavoured to give the impression that the taluqdars, by agreeing to the extension of the limitation period, were showing a favour to the Government. Lawrence, feeling uneasy about it, sought the opinion of the Advocate-General on the documents relating to this subject.<sup>1</sup> Advocate-General Cowie held that the order of 10 October 1859 was a rule coming under the Indian Council Act and this order left the rights of the under-proprietors as they were prior to annexation<sup>2</sup>. In the meantime, Lawrence wrote another minute in which he declared that "ever since the reoccupation of Oude, it has been the uniform aim of the Chief Commissioner to sweep away, as far as practicable, all subordinate rights and interests in the soil in all the talookdaree villages of the province."<sup>3</sup> Pointing out the urgency of settling the question, he proposed that the office of Settlement Commissioner be abolished and a Financial Commissioner should be reappointed, and that his department should work under the general instructions of the Supreme Government. Henry Maine<sup>4</sup> and Charles Trevelyan,<sup>5</sup> members of the Executive Council, agreed with the Governor-General that all subordinate rights in land should be carefully investigated, and equitably fixed and recorded. The post of Settlement Commissioner was abolished, and R. H. Davies was appointed Financial Commissioner.<sup>6</sup> Soon after his appointment, Davies amended the 'Record of Rights' Circular. The new Circular required that all suits to rights in the soil shall be heard and

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1. For. Dept., Revenue Progs., February 1865, No. 124.

2. For. Dept., Revenue Progs., February 1865, No. 125.

3. Ibid., No. 128.

4. Minute by H.S. Maine, 10 July 1864. Vide For. Revenue Progs., February 1865, No. 129.

5. Minute by C. E. Trevelyan, 23 August 1864. Vide For. Revenue Progs., February 1865, No. 131.

6. For. Dept., Revenue Progs., February 1865, No. 137.

decided on merit, provided that the dispossession of the claimant could not be proved to have endured for 12 years from the date of annexation, or from 13 February 1844.<sup>1</sup> Though Wingfield accepted that alterations in the 'Record of Rights' Circular, he was very critical about the verdict of the Advocate-General. He said that Cowie's decision left the government free to take any measure for the protection of the under-proprietors. The enquiry into occupancy rights was concluded by the end of 1865. It again aroused a good deal of argument about the rights of under-proprietors. The Governor-General desired particularly to see the ex-proprietary ryots established on a sound footing. Therefore, a compromise was sought. But before the compromise could be arrived at, Wingfield retired on 16 March 1866. His successor, John Strachey tried to achieve the compromise with the help of Davies and Barrow along with Man Singh and other principal taluqdars. The compromise formula of Strachey laid down that an under-proprietor who had enjoyed only *Sir* or *Nankar* could claim rights in these lands only.<sup>2</sup> To claim a sub-settlement of the village, he must show that for more than half the period involved he had held a contract for management of the village. A new provision was added by which an under-proprietor, whose share of profit of a village was under 12 percent, should receive *Sir* or *Nankar* land in lieu of a sub-settlement. If his share exceeded 12 but fell short of 25 percent, the government and the taluqdar should between them make it up to 25 percent. To those, who retained possession over their '*Sir*' and '*Nankar*' lands, was granted a complete right of property in those lands subject to the payment of rent in perpetuity to the taluqdar.<sup>3</sup>

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1. Book Circular No. I of 15 October 1864. Vide For. Dept., Revenue Progs., February 1865, No. 174.
  2. For. Dept., Revenue Progs., June 1867, No. 43.
  3. For. Dept., Revenue Progs., June 1867, No. 43.

The Financial Commissioner approved these rules which were also gladly accepted by the taluqdars. The new rules, which were known as the 'Oudh Compromise', were generally considered to afford a fair solution of former difficulties. A bill was drawn up by Muir on 26 September 1856 to legalise these rules to be called "The Oudh Sub-Settlement Act."<sup>1</sup> After a few amendments to the wording of the bill by Maine, it was passed into law as Act XXVI of 1866.<sup>2</sup> However, it soon became evident that the changes introduced by Act XXVI of 1866 were generally ruinous for the under-proprietors and the rights of the under-proprietors were sacrificed.<sup>3</sup>

### Occupancy Rights

In his instructions to the Settlement Officers, known as Record of Rights Circular, Wingfield directed them to make no distinction in the records between cultivators at fixed rates, and cultivators-at-will. He considered a title of permanent occupancy at a fixed rent to be "an invasion of the rights of property, and a clog on enterprise and improvement."<sup>4</sup> These instructions were generally approved by the Government of India. The question was, however, not allowed to rest. George Campbell, the then Judicial Commissioner of Avadh, in his Judicial Report for 1860 and 1861, reopened the question of tenant rights. He pointed out that it had been injudicious to award magisterial powers to the taluqdars. Such powers were detrimental to the cause of the rights of tenants because the taluqdars could use them to decide their own revenue cases. The taluqdars denied the existence of tenant rights, but Campbell believed that such rights did exist in all systems of tenure.<sup>5</sup> He pointed out that while

1. Ibid., No. 54.

2. Ibid., No. 57.

3. Arathoon, *Oudh Land Tenures or Laws Relating to Land Tenures in Force in Oudh* (Lucknow, 1815), p. xii.

4. For. Dept., Revenue Progs., March 1862, No. 8.

5. For. Dept., Revenue Progs., August, 1861, No. 322.

the right of tenants were not recorded, the taluqdars were allowed for a series of years to decide cases which affected their own interest and in this way the inferior rights could be obliterated more quickly than under ordinary circumstances they would have been.<sup>1</sup>

On 15 December 1862, Wingfield addressed to the Government of India a protest against Campbell's "unwarranted and misleading inferences on a subject not coming under his Department."<sup>2</sup> On 18 May 1863, Elgin called in question Wingfield's orders to Settlement Officers and directed him to report whether the omission of all references to the rights of occupancy tenants in settlement records, coupled with the judicial powers conferred on the taluqdars, would not have a tendency to obliterate them altogether, and thus, to prejudice unjustly the status of the holders and whether it would not be possible to record the rights of the cultivators as to keep them alive.<sup>3</sup> To this enquiry the Chief Commissioner never replied. In the meantime, the subject attracted the notice of the Secretary of State who called for an early report on the steps taken to protect the rights of under-proprietors.<sup>4</sup> Before a reply to this request could be sent from India, Elgin died on 20 November 1863. In February 1864, John Lawrence took immediate action. But by this time Wingfield's views on the subject of tenant right had further developed. In a letter of 17 February 1864, H. M. Durand, then Secretary in the Foreign Department, wrote to the Chief Commissioner that with the correspondence on the Avadh land settlement, the Viceroy was not satisfied and that in his opinion the orders of the government had not been fully carried into effect. The Viceroy desired

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1. H. C. Irwin, *Op. Cit.*, p. 217.

2. *Ibid.*, p. 217.

3. *Precis on Oudh Revenue System* by C. U. Aitchison. *Vide Parliamentary Papers, Commons, 1865, Vol. 40, Paper 62.*

4. *Revenue Despatch from the Secretary of State, 9 June 1863, No. 12.*

that the subordinate rights of all classes of the people in the soil should be ascertained and defined.<sup>1</sup> Wingfield tried to justify his policy of not recording occupancy rights on the ground that para 31 of his 'Record of Rights' instructions sanctioned by the Government of India and para 5 of the Government of India's letter of 19 October 1859 gave such orders and any retraction from them would be a breach of faith.<sup>2</sup>

The reports of the district officers to Wingfield clearly showed that nearly all district officers were agreed that as a matter of fact certain classes of tenants had a preferential right to occupy and cultivate certain fields.<sup>3</sup> Several officers pleaded also for grant of favourable rates to many cultivators who, during their long occupancy, had sunk wells or made other improvements. The Chief Commissioner rejected this plea remarking that it gave no right to occupy land permanently, unless there was an agreement to that effect.<sup>4</sup> Soon after, the Settlement Commissioner, Currie circulated a memorandum declaring that occupancy right at that time did not exist in Avadh and "when a right carries with it no privilege it appears to me better to ignore the right in toto, rather than to make a parade of investigation and recording its existence."<sup>5</sup> Although Currie's arguments were at variance with the facts, yet Wingfield agreed with them. He went still further to declare that occupancy rights had never existed either in theory or practice in Avadh in respect of non-proprietary cultivators,<sup>6</sup> and to confer such rights on them would be to rob those landlords whose *sanads* provided only for the maintenance of rights previously enjoyed.<sup>7</sup>

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1. For. Dept., Revenue Progs., February 1865, No. 100.

2. Ibid., No. 103.

3. Ibid., Nos. 114-23.

4. Ibid., No. 113.

5. For. Dept., Revenue Progs., February 1865, Nos. 139-54.

6. Ibid., No. 113.

7. Ibid., No. 113.

John Lawrence, on his part, was in favour of judicially fixing rents and recording the rights of all tenants found in possession of a right of occupancy. Anxious to secure a peaceful solution of this question, he met Wingfield at Kanpur in April, 1864. Henry Maine, his Chief Adviser on this matter, also joined them. Since their views were apparently irreconcilable, Lawrence, in order to avoid a conflict, suggested the reappointment of a Financial Commissioner. Wingfield asked for time to consult the taluqdars on the problem.<sup>1</sup> After consulting eight or ten taluqdars, Wingfield reported to the Viceroy that they were decidedly opposed to recording of the alleged occupancy rights of any non-proprietary cultivators. He again asserted that the creation of tenant right was antagonistic to the policy inaugurated by Lord Canning. A campaign was started by the taluqdars of Avadh against the policy of John Lawrence through their own newspaper, *the Oudh Gazette*.<sup>2</sup> John Lawrence, however, did not think that the admission of the ancient tenants to the right of occupancy, and to fair and fixed rates would in any way infringe the pledge of Lord Canning. He required only that the rights accruing from long possession by general consent among the people should be recognized and recorded. He believed that sufficient enquiry had not been conducted and the Chief Commissioner had assumed much that should have been the subject of enquiry. If the policy of Wingfield was allowed to become law, the condition of the hereditary cultivators of the soil would gradually deteriorate.<sup>3</sup> In his views, John Lawrence was supported by Maine.<sup>4</sup> Of the other members of Council, G. N. Taylor<sup>5</sup> and C. E. Trevelyan<sup>6</sup> concurred in the

1. Ibid., Appendix to No. 128

2. Campbell, *Memoirs of My Indian Career*, Vol. II, p. 52.

3. For. Dept., Revenue, Progs., February 1865, No. 128.

4. Minute of H. S. Maine, 10 July 1864. Vide For. Dept. Revenue Progs., February 1865, No. 129.

5. Minute of Taylor. Vide For. Dept., Revenue Progs., February 1865, No. 130.

6. Minute of Trevelyan. Vide For. Dept. Revenue Progs., February 1865, No. 131.



opinion of Maine. Only H. Rose<sup>1</sup> and Grey<sup>2</sup> pleaded in favour of taluqdars and defended Wingfield. Grey held that a deliberate action of a former government in this matter should not be reversed. Grey's attack was so sharp that Lawrence wrote another minute on 27 September 1864 to answer it.<sup>3</sup>

The practical outcome of these discussions was the Government of India's letter of 30 September 1864 to the Chief Commissioner. It laid down that there was no bar, either in good faith or in law, to the recognition and registration of whatever rights of the cultivators could be proved to exist. Sufficient enquiry had not been made. It was, thus, the duty of the government "to make provision for the impartial hearing of all such claims."<sup>4</sup> These measures were fully discussed and publicly criticised by the opponents of Lawrence. *The Indian Daily Newspaper* wrote about Lawrence that "we accuse him of nothing but an entire want of sense. There is no character more dangerous to society than the mere theorist, and what we complain of is that Sir John Lawrence has dealt with this great question in the manner of a mere theorist."<sup>5</sup> He was accused of subverting the independence of the taluqdars as landlords, and destroying the ancient system under which they inherited their lands from their ancestors.<sup>6</sup>

Within three weeks of his appointment, Davies drafted his first Circular which conveyed to all Commissioners of

1. Minute of H. Rose, 17 October 1864. Vide For. Dept. Revenue Progs., February 1865, No. 134.
2. Minute of Grey, 23 September 1864. Vide For. Dept., Revenue Progs., February 1865, No. 132.
3. Minute of John Lawrence, 27 September 1864. Vide For. Dept., Revenue Progs., February 1865, No. 133.
4. For. Dept., Revenue Progs., February 1865, No. 135.
5. *Princes and Peasants or The Rent Difficulty in Oudh—A Collection of Extracts From Indian Journals Showing the Unanimous Opinion in favour of the Talookdaree System in Oudh* (Calcutta, 1865), p. 43.
6. R. K. Sarvadhikari, *The Taluqdari Settlement in Oudh*, pp. 83-84.

Avadh the orders of the Viceroy. "The rights of the cultivators other than tenants-at-will must be carefully investigated, and if judicially proved to exist, recorded in the settlement records.<sup>1</sup>" In England, the members of the Council of the Secretary of State were divided on this issue. Lord Stanley could never reconcile himself to this policy and remained its bitter opponent. Wood did his best to satisfy him. He warned Lawrence that no measures were to be adopted which would lower the position of the taluqdars in the eyes of others, and the only point to be determined was whether or not any occupancy rights on the part of cultivating ryots existed at the time of annexation.<sup>2</sup>

By mid-June 1865, the enquiry was completed and the Financial Commissioner outlined the main features of the enquiry in a report which he submitted to Wingfield. He concluded that with the exception of the Settlement Officer of Hardoi, all were agreed that no right of hereditary occupancy was recognized in the cultivators in the Nawab's government. Though, the right of eviction remained with the landlord, it was rarely, if ever, exercised and according to custom a cultivator generally kept his fields so long as he could pay the rent demanded from him. In addition, a privileged class of cultivators was found in nearly every district who enjoyed advantages varying according to the custom of each district. But with the pressure on the land increasing and rents being paid more frequently in money, a future danger existed of an introduction of competitive rents from which the whole peasantry might suffer. Therefore, to prevent such suffering, he proposed the introduction of Act X of 1859 in Avadh.<sup>3</sup> Wingfield dissented from nearly all the conclusions of Davies except the one that the length of

1. Book Circular II of 24 October 1864. Vide For. Dept., Revenue Progs., February 1865, No 174.
2. Political Despatch from the Secretary of State, 10 February 1865, No. 3.
3. For. Dept., Revenue Progs., February 1866, No. 72.

occupancy never gave a ryot any legal right against his landlord.<sup>1</sup>

John Lawrence, having discussed the right of cultivators exhaustingly in minutes and memoranda, concentrated from the beginning of 1866 upon securing a compromise through Grey, which would give protection to the cultivators.<sup>2</sup> Wingfield was earnestly willing to bring the question to an end in favour of the taluqdars. But, before he could bring the taluqdars to accept a compromise he retired in March, 1866. The negotiations were continued by his successor, John Strachey. He promptly produced a 'Note on Tenant's Rights in Oudh' on 14 May 1866, in which he expressed his views that no action should be taken to turn usage into formal legal rights. He submitted on 20 August 1866, definite proposals of compromise which he drafted with the help of Davies, Barrow, and Man Singh along with other taluqdars. The main proposals were<sup>3</sup>:—

(i) Since no rights of occupancy had been found during the enquiry, no new rights were to be created.

(ii) All orders, rules and circulars hitherto in force would be revised in accordance with the present orders.

(iii) These preliminary measures having been completed, the taluqdars should be asked to bestow on ancient proprietors, as a right, the advantages which they had held as favour only.

(iv) Every ex-proprietor, who had possessed proprietary rights in a village within 30 years preceding annexation, was to be deemed to have hereditary right of occupancy. This right was to be limited to the land which he cultivated at that time in that village. His possession of that land must

1. Ibid., No. 71.

2. Jagdish Raj, *Op. Cit.*, p. 153. See R. Smith Bosworth: *Life of Lord Lawrence* (London, 1883), Vol. II, p. 561

3. For. Dept., Revenue Progs., June 1867, No. 43.

have lasted either from his loss of such proprietary rights or continuously for 2 years.

(v) The rent of an ex-proprietor with right of occupancy once fixed in accordance with these rules was not normally to be enhanced for five years, and no cultivator was to claim abatement during that period of rent.

(vi) A landlord evicting a tenant, not having a right of occupancy, would recognize his claim to compensation for any unexhausted improvements that had raised the letting value of the land.

Lawrence considered these proposals to be fair and just to all parties. The Government of India, therefore, sanctioned these measures and authorized the Chief Commissioner to promulgate them as the basis for settlement operations.<sup>1</sup>

A Bill embodying the compromise proposals was introduced in the Legislative Council and was passed on 22 July 1868, under the title of the Oudh Rent Act XIX of 1868<sup>2</sup>. Thus, to the contentment of all parties was a question settled which had given rise to more acrimonious discussion than any Indian topic of that time.<sup>3</sup> Judged impartially, it is evident that Lawrence, in his attempt to safeguard the interest of the cultivators, succeeded only in protecting a few ex-proprietors. The taluqdars conceded minor concessions only to solve in their own interest the problem of sub-settlement. The compromise was a serious blow to the Avadh tenantry, without a parallel in India. Even the twelve years' rule about occupancy right enjoyed by tenants in other provinces was denied to them<sup>4</sup>. However, this

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1. For. Dept., Revenue Progs., June, 1876, No. 46.
  2. Proceedings of the Legislative Council of the Governor-General, 22 July 1868, Vol. VII, pp. 339-52. Vide Jagdish Raj, *Op. Cit.*, p. 166.
  3. Calcutta Review, 1868, Vol. 46, No. 92—'The Close of the Oudh Controversy,' p. 482.
  4. B. R. Misra, *Land Revenue Policy in the United Provinces* (Benaras, 1942), p. 157.

does not impair the value of Lawrence's service to the cause of Avadh tenantry.<sup>1</sup> Wingfield had so consistently tried to obliterate subordinate rights in Avadh that it was impossible under the circumstances to restore them completely. There was no part of his administration in India to which he could look back with greater pleasure than the part he had taken in the Avadh land question.<sup>2</sup>

As regards the working of the Act, its effects proved very different from the objects aimed at. The relations between the occupancy tenants and landlords gradually became more strained and gave rise to perplexing questions which caused much anxiety to the government.<sup>3</sup> The landlords could not be restrained from issuing notices of enhancement and ejectment. The number of notices for ejectment after Act XIX of 1868 was passed gradually increased. In 1868-69, 25, 744; in 1869-70, 52,151; and in 1870-71, 59,393 notices of ejectment were issued,<sup>4</sup> which meant much litigation and hardship to the cultivators.

In 1876. the law relating to the settlement and collection of the land revenue in Avadh was defined and consolidated in an Act known as 'The Oudh Land Revenue Act, No. XVII of 1876.'<sup>5</sup>

## II. LAND REVENUE ADMINISTRATION

### The Land Revenue Settlement

The regular settlement in Avadh started in October 1860, and lasted upto September 1878. The settlement was preceded by a survey operation of the province. It was done by the older method of Revenue Survey. The demarcation of the boundaries in the province was made by a separate

1. Dharm Pal, *Administration of John Lawrence*, p. 55.
2. *Lawrence to Lord Halifax* (Sir Charles Wood), 1 September 1866, Lawrence Papers quoted by Jagdish Raj, Op. Cit., p. 162.
3. George Campbell, *Memoirs of My Indian Career*, Vol. II, p. 61.
4. Avadh Revenue Administration Report, 1872, para 53.
5. The Gazette of India, Saturday, 21 October 1876.

establishment. The Chief Commissioner, considering that the demarcation of boundaries in a new province involving decision of disputes of longstanding required great judgement and tact, placed the work of boundary demarcation and *Khasra* survey into the hands of two entirely separate establishments. As the demarcation work was required always to proceed well in advance of the scientific survey, three survey parties were employed for the purpose. Bradford was charged with the work of demarcation of boundaries and Kavanagh was appointed to assist him in the work of supervision.<sup>1</sup> Since the intermingling of estates was very common in Avadh, special demarcation and boundary proceedings were adopted. Generally, the work was done by *amins* and *munsarims*, supervised by a *Sadar Munsarim*, who remained with the demarcation officer.<sup>2</sup> When a number of villages belonged to certain joint families or to groups of land-holders, and came under division, the plan was for each branch to get not an entire village, or the whole of his share in one village, but a certain slice of village in the joint estate; the object in every case being to equalize the holdings or shares by letting each consist partly of bad and good soil, so that all of one class should not go to one family and all of another to another.<sup>3</sup> In some parts, especially in Faizabad district, different taluqdars or proprietors held fractional shares in one village. These shares were denominated as *Pattis*. Where there was no dispute, the demarcation was indicated by '*dhooes*' (conical pillars) of mud, and *thuk-bust* map was sketched; where there was a dispute, masonry pillars were put up. At the stations, where three or more villages met, square masonry platforms were built called '*sehuddas*'. Appeals from the decision of the boundary officer could be preferred within six

1. For. Dept., Pol. Progs., 30 March 1860, No. 491.

2. G. E. Erskine, *Digest of Circulars Relating to the Jurisdiction and Procedure of the Revenue Courts and the Conduct of Settlement Operations in Oudh* (Lucknow, 1871), Section II, Clauses 20-22.

3. Baden-Powell, *Land System of British India* (London, 1892), Vol. II, p. 258.

months to the Commissioner. Therefore, when the regular settlement was commenced, only petitions in regard to boundaries were accepted where the tampering with a boundary subsequent to the boundary officer's proceedings was alleged.<sup>1</sup>

Waste lands were declared to be the property of the State, but it was ruled that small tracts of waste lands that supplied fuel and pasturage to the neighbouring villages, or were in the course of being brought under cultivation by the inhabitants, were not to be claimed for the government. They were to be included in the area of the villages.<sup>2</sup> The revenue surveyors were prohibited by the orders of the government from commencing operations in any division or subdivision of a district till they had received from the Settlement Officer a list of villages separately marked off and all 'thuk-bust' maps of the division or subdivision. It was also ruled that, when possible, an extent of waste land equal to the cultivated area of the village should be allowed to each village. If, after making this arrangement the surplus was less than 500 acres it was not demarcated, but redistributed and included in the villages. The waste land in excess of this was usually declared free of all rights and available for any government purposes. In cases where government waste adjoined private estates, the government paid half the cost of the ordinary boundary marks and one-third of triple junction pillars.<sup>3</sup>

The native *Khasra* survey in Avadh was made on the basis of the Punjab system under the supervision of the settlement officers. Although it was carried on quite distinct from the scientific survey, yet as far as practicable the two surveys were made simultaneously so that the results of the detailed measurements of both surveys might coincide.<sup>4</sup> The agency

1. Rae Bareilly Settlement Report (1872), Appendix K.

2. For. Dept., Cons., 30 March 1860, No. 492.

3. Erskine, Op. Cit., Section III, Clauses 67-70.

4. Erskine, Op. Cit., Section III, Clause 2.

of the village *patwaris* was not employed in the *Khasra* survey. In their place *amins*, thoroughly versed in the Punjab system, were appointed with adequate number of *munsarims* and a *Sadar Munsarim* to supervise their work. Each *amin* had to furnish documents consisting of *Khasra*, *Shajrah*, list of wells, *Khasra abadi* and *Shajrah abadi*. The object of the *Shajrah* or the field map was twofold, namely, to admit of the ready identification of lands, the ownership or occupancy of which might at any time form the subject of dispute, and, secondly, to obtain an accurate measurement of all the lands of a village under cultivation.<sup>1</sup> In the *Khasra*, the column of proprietorship was left blank in all but taluqdari villages until the proprietary right had been finally determined judicially.<sup>2</sup> The revenue and field survey of Avadh was completed in 1871.<sup>3</sup> The areas surveyed in the province in 1876-77 are shown in the following table :—

Districts	By villages miles	By fields
Lucknow	976.68	979
Unnao	1736.54	1,768
Barabanki	1727.72	1,768
Sitapur	2205.80	2,253
Hardoi	2285.64	2,300
Kheri	2336.19	2,541
Faizabad	1649.03	1,688
Bahraich	2388.21	2,336
Gonda	2684.04	2,741
Rae Bareli	1752.08	1,740
Sultanpur	1700.77	1,707
Pratapgarh	1458.42	1,435
	23101.12	23,256

(The government reserved forests are excluded from this area.)

1. Erskine, Op. Cit., Section III, Clause 3 and 15.

2. Ibid., Clause 23.

3. Parliamentary Papers, Commons, 1874, Vol. 49, Paper No. 196.



### Nature of the Land Settlement

In the latter half of the nineteenth century it was advocated by many of the principal officers of the British Government that permanent settlement would diffuse a general feeling of contentment among the land-holders and would attach them to the government. It was further emphasized that by this means alone could sufficient inducement be offered to the people to layout capital on the land, and to introduce improvements by which the wealth and property of the country would be increased. Similar views had been expressed by Colonel Baird Smith in relation to its effect on the agricultural population of the North-Western Provinces.<sup>1</sup> On the other hand, it was urged that the consequence of a permanent settlement of the land revenue would preclude the government from ever obtaining any future augmentation of income from this source. The Secretary of State for India recognized the political and material advantages which were likely to accrue from a permanent settlement. But considering the problem from all angles, he determined that the introduction of a permanent settlement should be very gradual. It was conveyed to the Government of India that in all districts or parts of districts where no considerable increase in the land revenue was expected, and where its equitable apportionment had already been made or could hereafter be ascertained to the satisfaction of the government, the settlement in perpetuity would be sanctioned by Her Majesty's Government.<sup>2</sup> The Government of India, in reference to the instructions of the Secretary of State, asked the Chief Commissioner to report on the condition of the province as regarded the settlement which seemed best adapted to it.<sup>3</sup> The officiating Chief Commissioner recom-

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1. Revenue Despatch from the Secretary of State, 9 July 1864, No. 14. paras. 43-44.

2. Ibid., No. 14, para 72.

3. For. Dept., Revenue Progs., March 1862, No. 9.

mended that the districts of Lucknow, Unnao, Durriabad, Faizabad, Sultanpur, Pratapgarh and Rae Bareilly should be settled in perpetuity because they were well populated; there were no forests or large culturable wastes; and they were so well cultivated as to preclude the hope of any, but most trifling increase after a thirty-year settlement from the extension of cultivation. The remaining districts of Hardoi, Sitapur, Mohamdee, Gonda and Bahraich contained large tracts of forest and culturable waste, not included in any estate. The officiating Chief Commissioner proposed to fix the general period of settlement in these districts at 30 years. He vigorously argued in favour of a permanent settlement on the ground that "under a periodical settlement people cultivate for food only, under a permanent one for profit also."<sup>1</sup> He wanted to introduce permanent settlement in each of the seven districts mentioned above, provided their state of cultivation was confirmed by the survey and settlement operations and culturable waste in them did not exceed 1/8th of the area of each district. In the remaining five districts, while proposing a thirty-year settlement he wanted a permanent one in such estates which had not more than 1/8th of culturable waste.<sup>2</sup> In a subsequent letter, the officiating Chief Commissioner again urged that in case a temporary settlement was envisaged in Avadh preparatory to a permanent one, the period should not be less than thirty years because in a short-term settlement of 6 to 12 years no hope of its being immediately revised and made permanent could be entertained. It could be possible in a ryotwari assessment; but under a proprietary one, it would be by no means sufficient for proprietors either to have capital or the means of raising the value of land or for the government to discover the defects in assessment.<sup>3</sup> Ultimately, a periodical settle-

1. For. Dept., Revenue Progs., September 1862, No. 1.

2. Ibid., No. 1.

3. For. Dept., Revenue Progs., November 1862, No. 91.

ment of revenue was made. In cases of some taluqdars the settlement was made in perpetuity; in a majority of cases it was fixed at thirty years; and in some cases it was to have effect for a period between 10 and 30 years.<sup>1</sup> The whole settlement operation was supervised in its initial stages by a Settlement Commissioner working directly under the orders of the Chief Commissioner,<sup>2</sup> until the re-appointment of the Financial Commissioner in 1865.<sup>3</sup>

### **Settlement of Waste Lands**

Under the native government, all unassessed waste lands in the province were held to be the property of the state. Naturally, this right devolved upon the British Government after the annexation of the province in 1856. Under both governments such lands were the subject of grants by the ruling power.<sup>4</sup> In Avadh, particularly in the districts of Mohammadi, Bahraich and Faizabad, there were considerable tracts of forest and waste land.<sup>5</sup> The Government of India looked upon the disposal of waste lands as a question of substantial benefits both to India and to England if European settlers could be induced to settle themselves in those lands. The Governor-General-in-Council expected a great material and moral improvement of the people in these areas by their association with the European settlers.<sup>6</sup> With this object in view, very liberal rules were framed by the Administration of Avadh for granting clearing leases of waste lands in Avadh. These rules guaranteed a rent-free tenure of three years and limitation of the government demand to quarter assets on the cultivated portion. But these favourable terms could not induce many Europeans to embark on the

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1. See Appendix VI.

2. For. Dept., Revenue Progs., December 1862, No. 31.

3. For. Dept., Revenue Progs., February 1865, No. 136-37.

4. For. Dept., Revenue Progs., February 1864, No. 16.

5. For. Dept., Revenue Progs., 30 March 1863, No. 409.

6. Resolution by the Government of India, Home Dept., 17 October 1861, No. 3264.

enterprise of clearing the waste lands.<sup>1</sup> Under these rules, no revenue was to be demanded from the grantees during the settlement. On the expiration of the settlement the cultivated portion of the allotment would be assessed for the next term of settlement at half the rates prevailing in the adjoining villages. One-third as much waste would then be added free of assessment to the cultivated portion, so as to form a compact estate. Applications for less than 58 acres were not to be entertained, and clearing of less than 25 acres would not entitle the occupants to engage at the next settlement. The entire allotment would also be liable to resumption if one-third, the extent applied for, was not cleared and cultivated by the close of the second year. Boundary pillars, where required, would be erected, and a fee of Rs. 10 per 100 acres would be charged to defray the expenses of establishment.<sup>2</sup> In 1860, revised rules were issued for the grant of waste lands. Under the new rules, the grants were made rent free for 12 years on condition that one-fourth of the entire grant was to be brought under cultivation by the end of the 6th year; and that unless half of the grant was under cultivation by the end of the 12th year, the whole of the remaining waste would not be included in the settlement lease, but only the waste equivalent to what was cleared.<sup>3</sup> The total area of any one grant was not to exceed 5,000 acres.<sup>4</sup> On 17 October 1861, the Government of India resolved that the price to be paid for unassessed land was not to exceed Rs. 2 and 8 annas per acre for uncleared land and Rs. 5 per acre for land "encumbered with jungle" and this limitation of rates was to remain in force for five years.<sup>5</sup> But, the Secretary of India took objection to the principle of selling the lands of each class at a

1. For. Dept., Revenue Progs., 30 March 1860, No. 409.

2. Ibid., No. 410.

3. For. Dept., Revenue Progs., February 1865, No. 188.

4. For. Dept., Revenue Progs., 30 March 1860, No. 412.

5. Resolution by the Government of India, 17 October 1861, No. 3164.

uniform price per acre without any regard to their situation, and fertility.<sup>1</sup> To meet this objection, again new rules were framed for the sale of waste lands.<sup>2</sup> The lots for sale were to be continuous and compact pieces not exceeding 5,000 acres each. On the receipt of applications for purchase, the lands were to be measured, demarcated and mapped, the cost of such processes to be realized from the applicants at the rate of Rs. 4 per 100 acres and the charges of advertisement and other contingencies at Rs. 20 per lot. The lands so demarcated were then to be auctioned at a fixed time to the highest bidder. The upset price at Rs. 2 and 8 annas or Rs. 5 per acre according to the nature of the soil and the day of sale were to be advertised 42 days before the date of actual sale. The purchaser had to pay at least 10 percent of the purchase money within 30 days from the date of purchase, failing which the sale was held to be cancelled. The holders of grants of waste land could purchase them at any time before the payment of revenue to the government commenced. The purchased lot was exempted from all demands for land revenue by the government, but was liable to all general taxes and local cesses.<sup>3</sup> These rules were enforced in 1863. The Government of India, however, desired that these rules should be made consistent with Act XXIII of 1863, which was operative in Avadh also.<sup>4</sup> As such, some minor changes were introduced in these rules in December 1864,<sup>5</sup> which required the advertisement of the date of sale to be issued three months before the date of sale.<sup>6</sup> In August 1868, the Government of India enquired of the Chief Commissioner whether in future the rules in force in the

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1. Revenue Despatch from the Secretary of State, 9 July 1862, No. 14.
  2. For. Dept., Revenue Progs., February 1864, No. 15.
  3. Ibid., No. 16.
  4. Ibid., No. 19.
  5. For. Dept., Revenue Progs., February 1865, No. 62.
  6. Ibid., No. 63.

North-Western Provinces whether for lease or grant in perpetuity, could not with advantage be adopted in the province of Avadh. In reply, the Chief Commissioner pointed out that in spite of all similarity in the rules of the two provinces, there was a difference with regard to the payment of purchase money and cesses. In the North-Western Provinces, the balance of the nine-tenth of the purchase money could be paid sometime or other within the ten years, whereas in Avadh it was to be paid in yearly instalments of equal amount with interest on the balance due from year to year. Secondly, in the North-Western Provinces, lease rules provided for the levy of one percent road cess. In Avadh, the cess was levied at  $2\frac{1}{2}$  percent.<sup>1</sup> The Government of India considered this difference to be very ordinary which could be easily modified. Consequently, the waste land lease rules of the North-Western Provinces were introduced in the province of Avadh.<sup>2</sup> The extent of waste lands in Avadh available for grants and sale at the disposal of the government after excluding all tracts of small extent which were included in the area of the adjacent villages, was 428, 243 acres.<sup>3</sup>

### The Nature of Tenures

The Avadh land settlement is known as the 'Taluqdari Settlement'. The word *taluqa* is derived from the Arabic root *alq* which implies 'connection' or 'dependence'.<sup>4</sup> So, a taluqdar may be defined as a person recognized by the State, either by *sanad* or otherwise, as managing the revenues and having the general control of an estate.<sup>5</sup> Before 1869, the designation of taluqdar was extended to every opulent zamindar in Avadh, who paid revenue direct to the government.<sup>6</sup> According to Act I of 1869, a taluqdar was a person

1. For. Dept., Revenue Progs., October 1869, No: 37.
2. Ibid., No. 36.
3. For. Dept., Revenue Progs., 30 March 1860, No. 411.
4. Carnegie, Notes on Land Tenures and Revenue Assessments of Upper India. Vide Baden Powell, *Land System of British India*, Vol. II, p. 215.
5. Baden Powell, Op. Cit., Vol. II, p. 215.
6. For. Dept., Pol., Progs., September 1860, No. 121,

whose name had been entered into the list of taluqdars published by the government under Section 8 of this Act. He acquired under section 3 of the same Act a permanent heritable and transferable right in the estate settled with him at the regular settlement.<sup>1</sup> At settlement, a formal decree was recorded for every village declaring that it was or was not part of a taluqdari estate. There were, however, a number of landlords, mostly small owners, who remained independent of any taluqdar; they were styled as zamindars. These were, in fact, estates, where there was only one grade of proprietary interest.<sup>2</sup>

Proprietary rights were of various kinds, which may be classified under two heads: proprietary tenures, and sub-proprietary tenures. The proprietary tenure may be divided into taluqdari estates, zamindari or mufridi estates, and estates held in fee simple. The *mufridi* estate could be property of one man, or as was far more common, of a whole community. The fee simple estates were very few in number and consisted of the properties sold under the waste land rules.<sup>3</sup> Sub-proprietary or inferior proprietary tenures were of several kinds : sub-settlement villages, *sir*, *nankar*, *birt*, *sankalp*, *daswant*, etc.<sup>4</sup>

(i) *Sub-settlement*

Where the sub-proprietary rights were strong, the holders acquired a sub-settlement, and a right of holding the entire village in perpetuity at rates fixed at the settlement, and holding good for the term of the settlement. Sub-settlement was also known as *Pukhtadari*<sup>5</sup> right. It could be based,

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1. G. E. Erskine, *Digest of Circular Relating to the Jurisdiction and Procedure of the Revenue Courts and the Conduct of Settlement Operations in Oudh* (Lucknow, 1871), Section V, Clause 6, p. 91.
  2. Baden-Powell, *Op. Cit.*, Vol. II, p. 222.
  3. Parliamentary Papers, Commons, 1874, Vol. 49,
  4. I. F. MacAndrew, *Some Revenue Matters Chiefly in the Province of Oudh* (Calcutta, 1876), p. 25.
  5. *Pukhtadari* as a name was unknown in the nawabi time.

first, on former proprietorship with fairly continuous possession upto annexation when the village was incorporated in a *taluqa*, secondly, on purchase of sub-tenures like *birt*, *sankalp*, etc., and thirdly, on the failure of the proprietor to redeem old mortgages within the fixed period.<sup>1</sup> Under Act XXVI of 1866, to obtain a right of sub-settlement, the claimant was required to establish that he possessed proprietary right in the lands over which the sub-settlement was claimed; and, secondly, that his proprietary right was recognized *pakka* or *pukhtadari* by the continuous enjoyment of a lease given by the taluqdar.<sup>2</sup> A sub-proprietor having claim of sub-settlement was entitled to have the rent payable by him under his sub-settlements fixed at such an amount as would bring his profit upto 25 percent on gross rental.<sup>3</sup>

(ii) *Dihdari or Didari*

Where a village proprietor was obliged by circumstances to put his village into a *taluqa* voluntarily or involuntarily, the taluqdar or the purchaser assigned a portion of the village or property in perpetuity to the proprietor for his subsistence under the above mentioned designation. The *didari* grants were always rent-free,<sup>4</sup> the amount so deducted being thrown on other lands of the village.<sup>5</sup>

(iii) *Sir*

The most common of all sub-proprietary holdings was the '*sir*'. It was that personal holding, which under any form of common village estate, each co-sharer had for his own special benefit and which he always cultivated himself or by his personal tenantry. The '*sir*' was held at a favourable rate. A person not having been proprietor over the whole

1. Bennett, *Gazetteer of the Province of Oudh*, Vol. I, p. 439.

2. Erskine, *Op. Cit.*, Section V, Clause 13, pp. 93-95.

3. *Ibid.*, pp. 93-95.

4. Bennett, *Op. Cit.*, Vol. I, p. 440.

5. Faizabad Settlement Report, pp. 79-80.



village could have proprietary claim to a holding of his own; and this was also considered to be '*sir*' under the taluqdar. In some places, it was common to assign to the junior branches of a family certain lands for their support, instead of giving them the ancestral shares to which they were entitled. Such appanages were also known by the name of '*sir*'.<sup>1</sup>

The '*sir*' may be said to have consisted of all the land in the immediate occupation of the original proprietors at the time when the village was incorporated in the taluqa.<sup>2</sup>

(iv) *Nankar*

It originally consisted in the drawback allowed to the zamindar by the revenue authorities from the demand made on the estate, and constituted the main portion of the ostensible profits of the property. It was an object of every nazim or taluqdar, of course, to encourage the old zamindars to stay on and not to abscond from their estates. To effect this, the taluqdar readily granted the '*sir*' to be held at a low rate. When a fractional share of the rental was assigned as *nankar*, it was usually assumed on the rental of that time, and remained a fixed item without being subject to future enhancement or curtailment. The money was either paid over by the taluqdar to the sub-proprietor, or the latter was allowed a remission equal to the amount, in the rents of any lands he held as a cultivator.<sup>3</sup>

(v) *Birt*

The meaning of the term '*birt*' is a cession. It was the purchase of the proprietary rights subordinate to the taluqdar on certain conditions as to the payment of rent.<sup>4</sup> It was always granted for a consideration. *Birts* were given for the whole village, villages or patches of land in villages. The

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1. Baden-Powell, Op. Cit., Vol. II, p. 238.
  2. Bahraich Settlement Report (1873), p. 101.
  3. Benett, Op. Cit., Vol. I, p. 441.
  4. Sultanpur Settlement Report (1873), pp. 77-82.

grant of the zamindari right in a whole village as *birt zamindari* gave more or less of the taluqdari right in that village according to the terms of the deed, but always a subordinate right.<sup>1</sup> More precisely, it consisted in the sale of the right to settle a certain plot of waste and to enjoy all such valuable perquisites as would necessarily result from that occupation. The *birtdar* did not, in virtue of this grant, become owner or manager of the plot or the village.<sup>2</sup>

(vi) *Sankalp*<sup>3</sup>

It denoted land dedicated to religious purposes. In this character it bore a close resemblance to the *waqf* of Mohammedan Law and the church-lands of Europe. In later times, the original nature of this tenure was lost. It was bestowed for no consideration, but the prayers and services of Brahmins and was irrevocable. Its grant was always hereditary. As a common usage the '*sankalp*' was granted rent-free. But where rent was stipulated for, it was nominally fixed in perpetuity under the name '*barbasti*'.<sup>4</sup>

(vii) *Dar*

The word '*dar*' or '*dari*' is derived from the root of the Persian verb, '*dashtan*', and signifies literally any sort of holding or possession. When used in the sense of a tenure, it applied more especially to lands received under a grant conveying a permanent sub-proprietary interest. It is not, in fact so much of the name of a particular tenure, as a generic one for all tenures of the class above defined.<sup>5</sup>

(viii) *Dih*

The word '*dih*' in its primary sense means the deserted site of a village. But in Avadh, for claimants in the courts,

1. Baden-Powell, Op. Cit., Vol. II, p. 239.

2. Bahraich Settlement Report, pp. 94-95.

3. *Sankalp* in its primary meaning signifies a religious vow.

4. For. Dept., Revenue Progs., August 1868, Nos. 44-63; Sultanpur Settlement Report (1873), pp. 77-82.

5. Ibid., p. 83.

it universally meant that portion of a village which on account of decay or desertion of the buildings had become open waste and had been taken up for cultivation. The '*dih*' was always considered the special property of the owner of the village, and the right to hold possession of it, free of all demand whatever, was one which he retained in tact long after he was stripped of all other signs of proprietorship.<sup>1</sup>

(ix) *Daswant or Chaharam*

The words themselves give the clue to the original extent of these subordinate tenures, the former meaning one-tenth, and the latter one-fourth. They may be said to have their origin in *jangal-tarashi* or waste clearing leases where the lessee probably stipulated that one-fourth or one-tenth of the village would be considered his own special plot according to the difficulties encountered in the clearance and the expenditure of labour and capital. This was held rent-free.<sup>2</sup>

(x) *Purwa Basna*

It was a grant to encourage a man to found a '*purwa*'-outlying hamlet or extension of a village. It gave to the grantee a lease so long as he could hold it; during that period he received the dues allowed to the zamindar or manager, and if the village was taken under direct management, the grantee retained only the area allotted to him as his '*sir*' and '*nankar*' land.<sup>3</sup>

(xi) *Marwat (Maroti or Marwat-birt)*

The taluqdars, when they were also military chiefs, not only paid their soldiers while they served, but acknowledged their liability to maintain the families of those who were killed in a battle. This liability they fulfilled by grant of land

1. Bahraich Settlement Report (1873), p. 97.

2. Ibid., p. 100.

3. Baden-Powell, Op. Cit., Vol. II, pp. 99-100.

called 'marwat' or 'maroti' that is, death-grant. It usually ran in the name of the deceased, and his children, including his widow. Under the rules, it was held to be "talukdar's *mafi*" and resumable at will.<sup>1</sup>

(xii) *Biswi*

This right was almost confined to Faizabad and Sultanpur districts. When a whole village or entire fractional holding was mortgaged, it was usual for the mortgagee to obtain both possession of the land and engagement with government. Occasionally, however, the mortgagee obtained possession only, without direct engagement; and in such cases, after deducting his interest from the assumed rental, he paid the estimated difference to the mortgager.<sup>2</sup> Under the native rule, the mortgage was always redeemable, but, under the law of limitation after 1856, it ceased to be so. During the settlement where redemption could no longer be allowed the mortgagee was declared to be the proprietor.<sup>3</sup>

(xiii) *Baghat (Groves and Orchards)*

Groves were found to be of four classes :—

- ( i ) Belonging to the existing proprietor.
- ( ii ) Belonging to the former proprietor.
- (iii) Belonging to *sankalpdars* and *birttdars*.
- (iv) Belonging to ryots.

The first of these were, of course, part and parcel of the owners' property. In the above mentioned three classes, the existing right, superior or subordinate, as the case might be, extended to both the lands and the trees. In the case of the fourth class, the right of the ryot extended to eating the fruits, gathering wood and cutting down the trees. But the tenure ended on the cultivator leaving the village. He could

1. Sultanpur Settlement Report, pp. 83.84.

2. Baden-Powell, Op. Cit., Vol. II, p. 241.

3. Benett, Op. Cit., Vol. I, p. 442.

not replace the trees without special permission of the landlord to that effect.<sup>1</sup>

It may now readily be understood that the profits of the taluqdar greatly depended on the nature and extent of the inferior proprietary rights existing in his taluqa. If he was free of all such claims, his assumed rental-profit almost equalled the government revenue. In fact, the existence of such rights left him less. But in no case could the taluqdar's profit go below 10 percent on the government demand as the under-proprietors had to pay under rules, no less than the amount of the government demand with the addition of 10 percent.<sup>2</sup> The land of Avadh, at the close of the settlement operations in 1878, was held amongst the various classes of landlords in the proportions shown in the following table<sup>3</sup> :—

	Acres	Percent
Taluqdars	8,797,560	60
Zamindars	976,803	6
Village Communities	4,396,078	30
Revenue Free	361,928	2
Waste land grants	213,279	1
Total	14,745,648	99

Of the cultivated area of the province, 8,216,174 acres, the agricultural occupancy was in the hands of the following classes<sup>4</sup> :—

	Acres	Percent
Sub-proprietary Sir	190,604	2
Birtdars and others	234,338	3
Tenants in Occupancy right	103,720	1
Tenants-at-will	6,380,596	77
Rent-free Holders	142,491	2
Proprietary Sir	1,164,425	14

1. Benett, Op. Cit., Vol. I, p. 442.

2. Act XXVI of 1886, Schedule, Rule VII, Clause 3.

3. Revenue Administration Report of the Province of Avadh, 1878, para 8.

4. Avadh Revenue Administration Report, 1878, para 9.

The various rights in land were entered in the settlement record only after they had been judicially determined on the merits under the existing laws and orders having the force of law.<sup>1</sup> For this purpose, the Settlement Officers and their assistants had been invested with judicial powers.<sup>2</sup> From the table given above, it is evident that more than three-fourth of the cultivated area of the province was the agricultural occupation of tenants who were purely tenants-at-will.

### The Assessment

The determination of the government demand was ordinarily made by the Settlement Officers. Though the guiding principles of assessment were the same which had been laid down for the North-Western Provinces, yet there was a material difference in the method of assessment between the two provinces. The plan, applied in some of the earlier North-Western Provinces settlements, of taking lump sums for the pargana and distributing them over the estates was never followed in Avadh.<sup>3</sup> Assessment *mauzawar* was in the abstract, considered to be the simplest and best; deviations from it could be made where its adoption was likely to weaken materially the security for the revenue or dissolve proprietary co-partnerships of long standing.<sup>4</sup> In the method of estimating the average gross rental, the Settlement Officers were required not to form average assets alone the basis of assessment. They had to take into consideration soils, rates, ascertained rents, estimates of native officers, patwari's records, reference to former *jamas* and collections and the recorded history of each *mauza*, the character of the people, the style of cultivation and the capability of improve-

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1. Ibid., 1874, para 52.

2. Erskine, Op. Cit., Section V, Clause I.

3. Baden-Powell, Op. Cit., Vol. II, p. 260.

4. Erskine, Op. Cit., Section IV, Clause 4.

ment, etc. <sup>1</sup>. The village rent rates were obtained by an elaborate analysis of rents paid by the several classes of cultivators on several classes of soil. A classification of the soil based on their chemical composition was made into *matiar*, *domat* and *bhur*.<sup>2</sup> In some districts, this kind of classification was rejected and instead the following classification was adopted<sup>3</sup> :—

Kinds of soils	Class
<i>Goind</i> irrigated	1
<i>Goind</i> unirrigated	2
<i>Manjahar</i> irrigated	3
<i>Manjahar</i> unirrigated	4
<i>Uparhar</i> irrigated	5
<i>Uparhar</i> unirrigated	6

The next step was the preparation of village *jamabandis*. It gave each man's holding with the area and rent. The actual rental paid on the different holdings in each village was then divided by the area, and so average rates per bigha of each kind of holding were calculated. The Settlement Officers assessed the lands with the help of the classified rent rates deduced from the village *jamabandis*.<sup>4</sup> No addition could be made at the settlement to the assessment of land irrigated from permanent wells constructed after 21 December 1864.<sup>5</sup> In assessing culturable waste, a great deal was left to the discretion of the assessing authorities who were instructed to leave sufficient grazing waste free of assessment. In cases of groves and plantations, Settlement Officers were authorized to exclude from the assessable area of a village all lands occupied by groves upto 10 percent of the total area of the village. Lands so exempted from assessment were

1. For. Dept., Revenue Progs., March 1862, No. 9.
2. Sultanpur Settlement Report, p. 190, para 384.
3. Rae Bareli Settlement Report, Appendix K, para 133.
4. Ibid., paras 135-36.
5. Eraskine, Op. Cit., Section IV, Clause 17.

liable to immediate assessment if the groves had been cut down, and another had not been planted at the same time.<sup>1</sup>

The average gross rental having been determined after careful consideration of the capabilities of the estate, both present and prospective, the government demand was fixed at the proportion of  $51\frac{1}{4}$  percent. Of this sum, 50 percent was credited to the government as land revenue, and  $1\frac{1}{4}$  percent was devoted to the following cesses<sup>2</sup> :—

Cesses	Proportion
Road Fund	$1\frac{1}{2}$ percent
School Fund	$1\frac{1}{2}$ percent
District Post Fund	$1\frac{1}{8}$ percent
Margin Fund	$1\frac{1}{8}$ percent

A separate cess was levied for the cost of patwaris, when they were village servants. In 1882, this cess was abolished to be restored in 1889 in a modified form.<sup>3</sup> Generally, the principles on which the assessments were made varied considerably with the discretion of the Settlement Officers, and differed from those widely in practice in the North-Western Provinces in being less regularly scientific.<sup>4</sup> In Rae Bareli district, the assessment was made village by village on its own basis alone and no general rates were used or reported. Besides no soil rates and crop rates were used for the assessment.<sup>5</sup> In Avadh, assessments were fixed at a very high rate. The following table shows the rise in the assessment on the summary demand in some of the districts<sup>6</sup> :—

1. Eraskine, Op. Cit., Section IV, Clause 20.
2. For. Dept., Revenue Progs., March 1862, No. 9.
3. Baden-Powell, Op. Cit., Vol. II, p. 263.
4. Administration Report of 1882-82. Vide Baden-Powell, Op. Cit., Vol. II, p. 261.
5. Rae Bareli Settlement Report, Appendix K, para 143.
6. Compiled from Settlement Reports.



Districts	Summary Demand Rs.	Regular Assessment Rs.	Percent of rise
Rae Bareli	824,041	1,027,094	25
Lucknow	955,599	1,188,618	24.38
Sitapur	939,897	1,318,056	40.6
Bahraich	564,720	1,147,219	103.14
Kheri	491,922	802,411	73
Gonda	959,294	1,566,305	63

In several districts, the government had to order reduction in the assessment. In Sitapur, the assessment of 108 villages had to be reduced from Rs. 56,939 to Rs. 43,993. Similarly, revision of assessment was made in Manjhaura pargana of the district Faizabad. The assessment of the pargana was reduced from Rs. 100,345 to Rs. 91,364.<sup>1</sup> The revised assessment including cesses in 1878 amounted to Rs. 14,725, 486 and Rs. 14,360,009 excluding the cesses.<sup>2</sup> It gave an increase of Rs. 4,177,088 over the summary demand of Rs. 10,548,397. The general average assessment rate per acre on cultivation was Rs. 1-12-1.<sup>3</sup>

### Collection of the Land Revenue

In Avadh, the agricultural year started on 1 July and ended on 30 June.<sup>4</sup> The land revenue was made payable not in one lump sum for the whole year, but in certain instalments arranged in such a way as to provide convenience to the agriculturists in making payment. The Avadh land revenue Act of 1876 provided a special procedure for recovery of land revenue when not voluntarily paid on its falling due.<sup>5</sup> The dates fixed for the payment of revenue

1. Revenue Administration Report, 1877, paras 2-8.

2. See Appendix VII.

3. Avadh Revenue Administration Report, 1878, Appendix III.

4. Act XVII of 1876, Chapter VII, Section 2.

5. For. Dept., Revenue Progs., B, July 1807, Nos. 16-17.

instalments were : Spring, 1 May to 1 June; and Autumn, 15 November to 15 December. For villages known to grow a good deal of sugarcane one more date, 15 February was allowed.<sup>1</sup> Arrears of revenue were recovered by either of the following processes<sup>2</sup> :—

- (a) by serving a writ of demand on any of the defaulters;
- (b) by arrest and detention of the defaulter;
- (c) by distress and sale of his movable property;
- (d) by attachment of the share or *mahal* in respect of which the arrear was due;
- (e) by annulment of the settlement of such share or *mahal*;
- (f) by sale of other immovable property of the defaulter.

In Avadh, the revenue collections were very punctual and successful. The balances were nominal. An idea of it can be had from the following figures :—

Year	Net Demand Rs.	Collection Rs.	Percent
1875	13,937,066	13,423,304	96.3
1876	13,886,119	13,738,953	98.9
1877	13,822,362	13,634,745	98.6

For such realization of the revenue demands stringent coercive measures were applied, which resulted in numerous arrests and sale of movable properties. In 1876, 1,439 persons were arrested; in 1,362 cases movable property was attached; and in 38 cases estates were temporarily attached.<sup>3</sup>

1. For. Dept., Revenue Progs., B, July 1867, Nos. 16-17.

2. Act XVII of 1876, Sections 113-156, Chapter VII

3. Ayadh Revenue Administration Report, 1876, para 86.

## CHAPTER V

# MISCELLANEOUS REVENUE ADMINISTRATION

### (i) Assessed Taxes

The abolition of transit duties in Avadh after annexation in 1856<sup>1</sup> necessitated introduction of some similar system of taxation for raising an imperial revenue.<sup>2</sup> The octroi duties had already been levied at all the principal marts of the country for municipal purposes, at rates as high as could not be increased in view of the depressed and impoverished condition of the province. Moreover, the octroi duties enabled wealthy men to shift the burden of the tax on the poor, and fell most heavily on the producers. Hence, it was considered advisable to raise an imperial revenue by direct taxation on the non-agricultural classes of the province. In pursuance of this policy, a trade tax was levied on the mercantile and professional classes, and a system of lump assessment was adopted, under which the amount to be collected from each town and village was determined by the district officers. For assessment, lists of all persons engaged in trades and occupations with their estimated incomes were prepared by the tahsildars and other subordinate officers without any inquisitorial investigation into their correctness, although in most cases the assistance of the taluqdars and patwaris was sought. The amount of the tax was calculated at the rate of 3 percent on the estimated gross incomes of the non-agricultural community of the towns or the villages.<sup>3</sup> The amount, thus, assessed on each town or village was left to the inhabitants of that place for distribution on individuals among themselves. Persons whose names were

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1. For. Dept., Pol. Cons., 6 June 1856, No. 193, para 37.

2. For. Dept., Pol. Cons., 16 December 1859, No. 84.

3. For. Dept., Pol. Cons., April 1860, No. 191.

not included in the lists were not liable to taxation. Besides them, the village *chaukidars*, *patwaris*, sepoys in the employment of the government, and the *coolies* were also exempted from the payment of the tax. The realization of the tax was entrusted to the taluqdars and land-lords within the limits of their estates. In large towns, the collection was made through the *chaudharies* or heads of different trades. The whole demand of the tax was payable in two instalments, and a commission of half an anna in a rupee was allowed to the collectors of the tax. The total assessment for the entire province amounted to Rs. 1,124,760,<sup>1</sup> of which Rs. 270,000 were assessed on the city of Lucknow.<sup>2</sup> The Government of India felt satisfied that "a direct tax, entirely new in character, and to the extent of 11½ lakhs has been already in part levied from half a million tax payers without a murmur".<sup>3</sup> But in fact, the truth was otherwise. The assessment of the tax was most unjust and arbitrary, and the rate of taxation was excessively high. In some cases, the assessments equalled the entire annual income of the assesseees. The Chief Commissioner reported in February 1861 that 1,378 persons had officially represented against having been assessed improperly and at a too high rate.<sup>4</sup> No less harsh and oppressive were the measures resorted to by the officers, who were employed for the assessment and collection of the trade tax. They subjected the inhabitants of Avadh unnecessarily to untold sufferings.<sup>5</sup> Sometimes the coercion used in the collection of the tax was so degrading that the sufferers committed suicide out of humiliation.<sup>6</sup> Ultimately, the Government of India

1. For. Dept., Pol. Cons., April 1860, No. 191.

2. For. Dept., Pol. Cons., August 1860, No. 312.

3. For. Dept., Pol. Cons., April 1860, No. 192.

4. For. Dept., Pol. Cons., March 1861, No. 123.

5. For details, see Ram Dyal libel case against Johannes and others, proprietors of the *Oudh Gazette*; vide For. Dept., Pol. Cons., December 1860, No. 603-712.

6. For. Dept., Pol. Cons., March 1861, No. 123. A 'bania' in Sitapur District committed suicide to escape from social humiliation.

resolved that, "to break open locks because they are not brought quickly; to expose respectable women to the threats of the underlings of office; to send sweeper women into Zenanas, and to seize the jewels of the inmates of Zenanas are practices which the Government of India cannot tolerate, and which a Local Government ought not to defend."<sup>1</sup>

Notwithstanding coercive measures, the assessment originally fixed at Rs. 3 lakhs for the city of Lucknow had to be reduced subsequently to Rs. 270,000 on account of being too excessive, and yet a sum of Rs. 29,875 and 8 annas could not be realized, thus, making a total remission on the city of Rs. 59,875. In other districts, remissions amounted to Rs. 21,592.<sup>2</sup>

In 1860, a general income tax (Act XXXII of 1860) was introduced for the first time in India under the advice of James Wilson, the Finance Member of the Governor-General's Council, as a temporary expedient to meet the huge expenses incurred in the suppression of the mutinies and the reorganization of the administration.<sup>3</sup> It imposed a tax of 4 percent on all profits of Rs. 500 and upwards, and of half that rate on incomes between Rs. 200 and 500 accruing from properties, professions, trades, and offices from and after 31 July 1860. This Act was to remain in operation for a term of 5 years.<sup>4</sup> As the inhabitants of Avadh had been assessed to pay a trade tax for 1860, the levy of duties under Schedule 2 of the Act was postponed till 31 July 1861, but Schedules 1, 3 and 4 were instantly put in operation. Under Schedule 1, the tax was levied on all land holders paying a government revenue of Rs.

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1. Resolution of the Government of India in Foreign Department, Pol. Cons., No. 250 of 27 December 1860; vide For. Dept., Pol. Cons., December 1860, No. 709.
  2. Avadh Administration Report, 1860-61, para 87.
  3. John Strachey, *India, Its Administration and Progress*, p. 186.
  4. For Dept., Pol. Cons., August 1860, No. 132.

600 and upwards.<sup>1</sup> After five years, this tax was abolished, but in 1867, bad seasons compelled resort to direct taxation. An experiment was made with a licence tax on trades and professions<sup>2</sup> and Act XXI of 1867 was passed. Under this licence tax Act nearly 11,860 persons, out of an estimated population of 8,326,647, were assessed, and it yielded a revenue of Rs. 84,908 in five months from May to September 1867.<sup>3</sup> On 1 May 1868, it was replaced on the statute book by the Certificate Act, No. IX of 1868.<sup>4</sup> It was about one percent tax on trades and professions. But a year later, it was superseded on 1 May 1869 by the Indian Income-Tax Act, No. IX of 1869.<sup>5</sup> The new income tax levied a rate of one percent on all incomes, but the proceeds were quite inadequate under the unfavourable financial position of the Indian Government caused by the famines. Consequently, some quick changes were made in the system. On 1 December 1869, Act XXIII of 1869 was introduced for levying an income tax of two and a half percent. Then after four months, Act XVI of 1870 came in force on 1 April, 1870. It imposed a duty of 6 pies in a rupee, or about  $3\frac{1}{8}$  percent. Thus, the introduction of three successive acts with different rates of taxation within a single year naturally disquieted the minds of the people and created an atmosphere of discontentment and depression, which found vent in public meetings held throughout the country.<sup>6</sup> The Maharaja of Jaipur, while commenting upon the Income-Tax Bill of 1869 in the Legislative Council, voiced the feelings of the people in the following words.<sup>7</sup>

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1. Avadh Administration Report, 1860-61, para 86.
  2. *Cambridge History of India*, Vol. VI, p. 317.
  3. Avadh Administration Report, 1866-67, para 33.
  4. *Ibid.*, 1868-69, para 30.
  5. Act IX of 1869, Part I Clauses 1 and 2; Vide Financial Dept., B. Cons., April 1869, No. 39.
  6. Avadh Revenue Administration Report, 1869-70, para 68.
  7. Legislative Dept., Progs., November 1869, No. 118.

“The Income tax was the most ill-suited to this country, as it was most opposed to the feelings of the people. The natives looked upon it as a very odious tax, and they would feel it the more bitterly when the rate of assessment should have been doubled.”

It is, no doubt, true that the system of direct taxation was most unpopular among the people, and especially the Act of 1870 pressed hard upon the people, particularly of the urban areas. The total assessment in Avadh, under the successive Acts for the year 1869-70, amounted to Rs. 373,645.<sup>1</sup> In April 1871, Act XII of 1871 came into force. Under the Act of 1870, the minimum annual taxable income was Rs. 500 and the number of persons assessed was 10,633. The Income-tax Act of 1871 raised the minimum assessable income to Rs. 750. The total number of persons assessable, in consequence, sank to 5,078 and the proceeds of the tax fell from Rs. 572,903 to Rs. 161,917.<sup>2</sup> The Act of 1872 retained the rate of tax fixed in 1871, but further raised the minimum of assessable income from Rs. 750 to Rs. 1,000 per annum. Consequently, the number of assesseees fell from 5,078 to 2,765. Besides, it exempted about half of the persons engaged in trade and commerce, who had been assessed under the previous act, from taxation.<sup>3</sup> It is remarkable to observe that under the Act of 1872, the land contributed nearly four-fifths of the tax, and more than half of the assesseees derived their income from the land. However, in 1873, the Income-tax was abolished,<sup>4</sup> but the inhabitants of Avadh gained only an interim relief, for in 1877-78, it was re-introduced by “the necessity of making provision against the financial dangers caused by the liability to famine to which the greater part of India was from time to time subject.”<sup>5</sup>

1. Avadh Revenue Administration Report, 1869-70, para 63.

2. Ibid., 1871-72, para 58.

3. Ibid., para 62.

4. Ibid., 1872-73, para 77.

5. John Strachey, Op. Cit., p. 187.

**(ii) Salt Revenue**

Under the kings of Avadh, there was no fixed scale of duty on the manufacture of salt. In most instances, the revenue derived from the salt was included in the revenue assessed on the land, and the land holders made their own arrangements with the manufacturers. Occasionally, the officers of government obtained direct management of the manufacture, and derived a huge profit from it.<sup>1</sup> The salt manufactured in Avadh was of the following qualities and prices :—

(1) *Chootiya* sold at 14 seers per rupee, (2) *Kutala* sold at 21 seers per rupee, (3) *Kharee* sold at 28 seers per rupee, (4) *Sujjee* or Sub-Carbonate of Soda used by soap boilers, sold at 30 seers per rupee. The salt produce of Avadh was more than sufficient for the population; but the more wealthy people consumed the '*Sambhari*' and '*Lahori*' salts imported from the British territory after paying the duty of Rupees 2 a maund. The Avadh salt was not a profitable article of export to the British territory, even if it had been permitted, because of its inferior quality. But, according to the report of the Commissioner of Customs and of the Banaras Division to the Sadar Board of Revenue, North-Western Provinces, the common Avadh salt was consumed in considerable quantities by the poorer people of the Banaras Division, who could not afford to pay the high prices at which the *Sambhar* and the other Western salts were sold after paying a frontier duty of Rs. 2 a maund, and a second duty on the Allahabad line of 8 annas. The consumption of the duty paying salt was confined to a very small portion of the population of the North-Western Provinces.<sup>2</sup>

On the assumption of the Avadh administration, the Government of India ordered that pending the consideration

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1. For. Dept., Pol, Cons., 12 December 1856, No. 199.

2. Ibid., No. 196.



of the whole question, the manufacture of alimentary salt in Avadh should be prohibited.<sup>1</sup> But, considering the injury that the prohibition of the salt manufacture throughout Avadh would unjustly inflict upon the inhabitants by forcing them to purchase costly salt imported from foreign states while a salt, though not equally good, but answering all the domestic wants of the poorer people could be prepared in their own state. Coverly Jackson, the Officiating Chief Commissioner, proposed to legalize the manufacture of salt in Avadh, and to lease the privilege to contractors after the limits of each salt producing area had been defined by certain village boundaries. In the first instance, the zamindars were to be allowed to contract for the licence to manufacture in their own villages at rates estimated on the capabilities of the soil for producing salt, and on the duty leviable of one rupee per maund of purified edible salt. If the zamindars refused to take them, the contract was to be opened to the competition of other offers. The manufacture of impure salt consumed by cattle was to be left free, but taken into the account of village assets in assessing the land revenue.<sup>2</sup> The Governor-General-in Council, with a view to maintaining the status quo in Avadh until the whole question of salt revenue could be finally decided, authorised the Chief Commissioner to put his scheme in execution as a temporary measure to last for one year.<sup>3</sup> But before the scheme could get a fair trial, the struggle for freedom started in the province. In September 1858, the Chief Commissioner submitted a scheme for consideration of the government. He proposed to licence clusters of works capable of yielding a certain quantity of salt and to suppress all scattered works not yielding a certain quantity. These works were to be supervised either by 'English Patrols' or by the tahsildars in their jurisdictions.<sup>4</sup> Since the

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1. For Dept., Pol Cons., 12 December 1856. K. W., No. 195, 199.

2. Ibid., No. 195.

3. Ibid., No. 221.

4. Ibid., 11 February 1859, No. 6.

question of licencing salt manufacture in Avadh was intimately connected with the interest of salt revenue in the North-Western Provinces, it started a lively discussion on the issue. The Judicial Commissioner, Cambell, following the report of Plowden,<sup>1</sup> was inclined to the eventual prohibition of salt manufacture in Avadh. His arguments in support of his views were<sup>2</sup> :—

(1) The system of a fixed excise on the manufacture would require a highly organized machinery and ample time and labour to put it into an efficient order which was not possible in Avadh on account of a heavy pressure of work on the officers of the Commission.

(2) Small grained but good salt was produced in Bharatpur near Agra and in several districts of the Delhi Division at a cost of about 2 annas per maund. This salt imported in Avadh would bear a price of about Rs. 3 and 12 annas per maund after paying a two rupee duty, cost of transit, and package expenses, etc. The Avadh salt would be sold at no less than Rs. 4 and 8 annas per maund after paying, if an excise duty of Rs. 2 was imposed. Consequently, in the presence of cheaper and better salt practically none of the Avadh salt would be sold. Even supposing the excise duty to be fixed at only half rate, the selling price of Avadh salt would come to no less than Rs. 3 and 4 annas, and thus, it would not be able to compete with advantage with the imported and better salt. Besides, when the railway had been opened in the Doab and metalled roads constructed in Avadh, the import would be facilitated and thereby cheapened, it would be more difficult to compete with the imported salt.

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1. Plowden had been deputed in 1856 to submit a report on the salt manufacture in Avadh. He recommended that the salt of Avadh, being of inferior quality, was incapable of competing with Western salts in Avadh itself, and, therefore, its manufacture should be totally prohibited.
  2. For. Dept., Pol. Cons., 11 February 1859, No. 7.

(3) The levy of an excise duty would raise the price of good edible salt, and drive the mass of the people to take to impure salt of domestic preparation.

(4) If the people of Avadh were to lose their cheap salt, it would be better to prohibit the manufacture and realize the full duty on the salt imported from the consumption of the better classes.

(5) As regards the problem of salt manufacturers, they would be easily absorbed in various projects and works undertaken by the Administration in Avadh.

(6) It was difficult to understand why, when the people of Banaras Division or Rohilkhand Division were obliged to eat the salt of the Western districts or of Bengal taxed at the rate of Rs. 2, and Rs. 2 and 8 annas a maund, the people of Avadh who were less highly taxed should not be subjected to a like prohibition in regard to salt.<sup>1</sup>

The Chief Commissioner, on the contrary, advocated the licencing of the salt manufacture in Avadh. He relied mostly upon the report of Glynn<sup>2</sup> for his arguments. He argued that a considerable amount of revenue, though not to the extent of Glynn's estimate,<sup>3</sup> might be expected, and secondly

1. For. Dept., Pol. Cons., 11 February 1859, K. W., No. 5-6

2. Glynn was a salt patrol. He had been deputed to Avadh to report upon the saline production of the province. Before he could complete his report, the Mutiny broke out, and he lost his papers. In May 1858, he submitted a report based entirely on his memory Vide For. Dept., Pol. Cons., 11 February 1859, K. W. No 6-8.

3. He estimated the whole produce of salt in Avadh at 15 lakhs of maunds, of which about one and a half lakhs of maunds were of very good quality called *Kurumtullia* containing 95 percent of chloride sodium. It was very much liked by the people for its agreeable flavour and its peculiarity as a condiment for thickening pulse. Glynn expected a revenue of Rupees 30 lakhs obtainable from Avadh salt. Vide For. Dept., Pol Cons., 11 February 8, 9; No. 8

that this indigenous industry would provide sufficient employment to the people of Avadh. The question having been referred to the Foreign Department, it was agreed upon by the President in Council that an excise duty of one rupee per maund would raise the price of the first class Avadh salt to Rs. 3 and 8 annas; of the second class to Rs. 2, 5 annas and 4 pies; and of the third class to Rs. 1, 14 annas and 2 pies at the works.<sup>1</sup> If Avadh salt was exported to Kanpur, the price of first, second and third class salts would increase to Rs. 3, 14 annas; Rs. 2, 11 annas and 4 pies; and Rs. 2, 4 annas 2 pies respectively. Thus, the poor people would purchase the inferior Avadh salt in preference to the Western salt, which was sold at Kanpur at Rs. 3 and 5 annas per maund, and the Avadh salt would soon drive all the Western salt away.<sup>2</sup> Further, it was unjust to prevent the people of Avadh artificially from benefiting by its natural facilities for the production of salt. As a major part of the salt price in most parts of India was due to the expense of transport, it was desirable from the point of national economy to produce salt in as many different quarters of the country as possible.<sup>3</sup> The Government of India, therefore, sanctioned on 11 February 1859, the scheme of licencing the manufacture of salt in Avadh. But, instead of an equal duty of one rupee on all kinds of salt, a system of differential duty was to be adopted according to the quality and saleable value of each kind of salt. Simultaneously, no restriction was to be placed on the domestic manufacture of the inferior salt by the poor people for their own consumption.<sup>4</sup> The introduction of the excise system in 1859 earned a revenue of Rs 380,913.<sup>5</sup>

1. Minute by H. Ricketts, dated 29 November, 1858; Vide For. Dept., Pol. Cons., 11 February 1859, No. 9.
2. For. Dept., Pol. Cons., 11 February 1859, No. 9.
3. Minute by J. P. Grant, dated 30 November 1858; vide For. Dept., Pol. Cons., 11 February 1859, No. 10.
4. For. Dept., Pol. Cons., 11 February 1859, No. 16.
5. Avadh Administration Report, 1859-60, para 96.

The government of the North-Western Provinces entertained serious apprehensions about the consequences of the system of an excise duty on the Avadh salt upon the revenue of the North-Western Provinces. In September 1859, the Secretary to the North-Western Provinces Government represented to the Government of India that the system of salt manufacture in Avadh afforded ample opportunity for illicit importation of bulk of the Avadh salt into the North-Western Provinces. The Chief Commissioner of Avadh also expressed his belief that the licence system in Avadh at a low rate of duty had the inevitable tendency to lead to an extensive contraband trade with the North-Western Provinces.<sup>1</sup> Consequently, the manufacture of salt in Avadh for market purposes was ordered to be entirely suppressed from October 1859. Thus, to safeguard the revenue interests of the North-Western Provinces about 40,000 workers of Avadh, engaged in the salt industry, were deprived of their regular and profitable means of subsistence.<sup>2</sup>

As the manufacture of salt for household consumption had not been suppressed, the Sadar Board of Revenue, North-Western Provinces with the approval of the Chief Commissioner, appointed Bradford, the Collector of Customs of Mathura to make an inquiry and report upon salt manufacture in Avadh.<sup>3</sup> Bradford reported that though there were no salt works in operation, yet the home manufactured salt effectually excluded the imported salt from the province of Avadh, and so far it was a loss to the revenue of the North-Western Provinces.<sup>4</sup> The government of the North-Western Provinces, therefore, suggested that the salt revenue of the British Government could be improved either by the absolute prohibition of salt manufacture in Avadh or by legalizing the manufacture in selected saliferous tracts on

1. For. Dept., Pol. Cons., 3 September 1859, No. 270.

2. Ibid., February 1861, No. 221.

3. Ibid., No. 223.

4. Ibid., No. 221.

paying a duty equal to that levied on the Western salt.<sup>1</sup> The Sadar Board of Revenue further pointed out that there was no valid reason why the inhabitants of Avadh should not be subjected to the same absolute prohibition of manufacture as the subjects of the North-Western Provinces.<sup>2</sup> However, the proposals of the North-Western Province's Government did not find favour with the Supreme Government. Contrary to it, the prohibition against the manufacture of *Kharee* salt, which had been imposed since 1859, was removed, for there was no such restriction on *Kharee* salt works in the North-Western Provinces.<sup>3</sup> It continued only in those saliferous tracts where *Kharee* salt could not be prepared without producing an edible salt.<sup>4</sup> The government of the North-Western Provinces continued reiterating its view that the salt manufacture in Avadh was causing serious damage to the salt revenue of that province.<sup>5</sup> The Sadar Board of Revenue held that the concession of domestic manufacture of salt in Avadh was an "unjust distinction in favour of one of two classes of people otherwise subjected to a common system."<sup>6</sup> It admitted that there was no positive evidence of the smuggling or the introduction of Avadh made salt in the market, but the refusal of the salt traders to continue their traffic with Avadh afforded strong presumption of illicit dealing. The Commissioner of Customs showed that the falling of the salt revenue of the North-Western Provinces from 1 May to 22 August 1861, as compared with the same period in the preceding year, amounted to Rs. 323,0009, and the probable loss for the whole year would come to 7 or 8 lakhs. He ascribed this decrease of revenue to the stocking of the Avadh markets with home-made salt.<sup>7</sup> Yule, then

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1. For. Dept., Pol. Cons., February, 1861, No. 217.

2. Ibid., No. 219.

3. Ibid., No. 230.

4. Avadh Administration Report, 1860-61, para 95.

5. For. Dept., Pol. Cons., May 1861, No. 336.

6. Ibid., No. 337.

7. For. Dept., Revenue Cons., December 1861, No. 40.

Officiating Chief Commissioner of Avadh, while answering the above allegations, did admit that the home manufactured salt was surreptitiously carried into the market, but the quantity was so small as to have little effect on the market. However, the Officiating Chief Commissioner recommended that the concession should be withdrawn<sup>1</sup> on the following grounds:—

(1) The permission of preparing salt was exclusively used by the *Nonias*, who principally subsisted on this trade, and therefore, it did not benefit the poor classes in general.

(2) The knowledge of the concession existing in Avadh deterred the salt traders from importing so largely and steadily as they could have done in the absence of such concession. This fear of the traders checked an adequate and regular supply of salt in Avadh and thereby raised the price of that article. Thus, the people suffered, and a stimulus was provided to the illicit manufacture.

(3) The existence of a licenced and unlicenced salt manufacture was inevitably bound to create difficulty and vexation.

In view of these considerations, the permission to prepare salt for private use was withdrawn in April 1862.<sup>2</sup> Further, the Government of India resolved in the interest of the imperial revenue and the salt traders that no local tax or octroi duty was to be imposed on an imperially taxed article like salt.<sup>3</sup> In the cities of Lucknow and Faizabad, and in other important towns octroi duties were levied at the rate of 2 percent, and the incidence of this local tax was about 2 annas 4 pies per maund or two thirds of a pie per seer, taking the average retail price of the salt at Rs. 7 per maund.<sup>4</sup>

1. For. Dept., Revenue Cons., April 1862, No. 5.

2. Ibid., No. 6.

3. Financial Dept., Separate Revenue Proceedings, April 1863, No. 20.

4. For. Dept., Revenue Cons., July 1862, No. 24.

The average pressure of the duty was not so heavy as to affect the consumption of the salt in any perceptible degree. But, it was abolished without any advantage to the inhabitants of Avadh; for the salt dealers charged the same price which they used to charge before. Notwithstanding the extension of the Acts XIV of 1843 and XXXI of 1861 to Avadh,<sup>1</sup> the manufacture of salt clandestinely continued in the absence of a proper special detective establishment, and it affected the salt trade causing a corresponding loss to the revenue.<sup>2</sup> Therefore, to suppress clandestine salt manufacture and to establish a uniformity of system and practice the salt preventive and saltpetre operations in Avadh were placed under the superintendence of the Commissioner of Customs in the North-Western Provinces, who worked in this province in subordination to the Chief Commissioner with a strong establishment of Assistant Commissioner, Inspectors and Superintendents necessary for carrying out a system of management similar to that in force in the North-Western Provinces.<sup>3</sup>

The salt preventive operations of the Customs Department were most successful in attaining its primary object. In 1864-65, the collections from the saltpetre and salt in Avadh amounted to Rs. 40,677 and 2 pies, of which Rs. 32,268, 6 annas and 1 pie accrued from the duty on the salt.<sup>4</sup> In 1865-66, the Financial Commissioner of Avadh calculated that about 625,000 maunds of salt, which paid a duty of Rs. 1,875,000 on the custom line, were imported in the province.<sup>5</sup> This obviously shows that the manufacture of earthsalt had been entirely suppressed. The Customs Department never suffered the people to have salt which had not

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1. For. Dept., Revenue Cons., April 1863, K. W. No. 16-22.
  2. Financial Dept., Separate Revenue Progs., May 1863, No. 35.
  3. Ibid., March 1863, No. 40.
  4. Ibid., October 1865, No. 300.
  5. Avadh Administration Report, 1865-66, para 25.



paid the duty, even in less quantity than a seer, notwithstanding, the rule to the contrary, in force from 1 October 1867, that prosecution was not to be entered against such persons. The members of the Avadh Commission were convinced that owing to the ruthless measures of the Customs Department and the high price of the salt, the people did not get the quantity of edible salt they required or wished for. Accordingly, the Chief Commissioner proposed that the inhabitants of the province should be permitted to manufacture, without any hindrance, salt not exceeding one seer in weight<sup>1</sup>, but the proposal was not approved on the ground that such concession would be eventually misused by the people.<sup>2</sup> In June 1867, the Government of India invited all local governments and Administrations except Bengal to consider whether the rate of salt duty could be raised in their jurisdictions to the level of the duty which had recently been increased to Rs. 3 and 4 annas per maund.<sup>3</sup> This reference from the Supreme Government gave rise to an official controversy over the question whether the rate of Rs. 3 per maund as customs duty on salt was really high, and "whether internal manufacture of salt could be freely permitted to the people of Oudh."<sup>4</sup> It was emphasised by a majority of the officers in Avadh that the prohibition of salt manufacture had deprived thousands of workers and salt producers their of traditional profession and had left them to emerge as the transgressors of the law in the absence of alternative means of livelihood. Besides this, the people in general suffered from privation due to the

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1. Financial Dept., Separate Revenue Progs., February 1869, No. 39.

2. Ibid., No. 40.

3. Financial Dept., Separate Revenue Cons., June 1867, No. 64.

4. N. L. Chatterjee, 'Controversy on the rate of Salt Tax in Oudh'; vide *Journal of Uttar Pradesh Historical Society*, 1951-52, pp. 281-83.

inadequate supply and high price of the taxed salt. The price of this prime necessary was so much raised as "to compel them to stint both themselves and their cattle in its use."<sup>1</sup> It was also impressed upon the government that the inhabitants of Avadh preferred home-made salt to imported salt, and were sincerely anxious that the manufacture should again be legalized. The Government of India, after a mature deliberation over the issue concluded that if home-made salt could be sold cheaper, diminished price would lead to an increase of consumption, and, therefore, of the revenue. Accordingly, it was decided to permit the establishment of two sets of experimental salt works : one in Avadh, and the other in the North-Western Provinces.<sup>2</sup> Mallona<sup>3</sup> tract was selected for the establishment of the salt work in Avadh. The manufacture was permitted to be carried on by private individuals under a system of excise with the rate of duty levied on the customs line.<sup>4</sup> The manufacturers were granted advances to the amount of Rs. 33,317 for managing the requisite plant and other necessities; Act XXV of 1869 was passed and rules were framed for the manufacture of salt.<sup>5</sup> But, the experiment proved a failure, which can be ascribed to the following reasons:—

(1) During the prohibition of home-made salt, the people of Avadh had gradually grown accustomed to the purer and better Western salts.

(2) The manufacturers could not make salt with profit unless it was sold at Rs. 4 per maund, inclusive of the government duty of Rs. 3 and land-owners cess of 2 annas. Since the imported salt was sold at Rs. 4, 8 annas a minimum

1. Financial Dept., Separate Revenue B. Cons., October 1870, No. 27.
2. Financial Dept., Separate Revenue Cons., October 1869, No. 82.
3. Mallona was situated in Pargana Behar of Unnao District.
4. Financial Dept., Separate Revenue Cons., October 1869, No. 84.
5. Ibid., July 1870, No. 6.

price, the earth salt, it was certain, could not fetch more than Rs. 3, 8 annas at the maximum. Consequently, out of 22,800 maunds produced at Mallona, only 10,500 maunds of salt could be disposed of.

(3) Very few of the *Nonias* could be induced to resort to the salt works.

In fact, the local manufacture could be successful only when there was no competition with the imported salt or when the rate of duty was lowered on the earth-salt.<sup>1</sup> The government was, however, not prepared to forego or lower the duty in the interest of the inhabitants of Avadh. Therefore, the experiment in operation at Mallona was closed,<sup>2</sup> and the people were again subjected to the system of imported salt. In 1872-73, the province of Avadh imported 894,000 maunds of salt, of which only 20,000 maunds was exported.<sup>3</sup> The difference amounting to 874,000 maunds presumably was consumed locally in the province. It was the largest quantity that had ever been consumed in the province in any previous year. Assuming that the whole of this quantity was used for human food, it represented only about 3 seers per head per annum for a population of 11 millions or about half of what has generally been considered to be a fair quantity for a man.<sup>4</sup> Thus, it may be logically concluded that either the people suffered from privation or they supplemented their requirements by clandestinely manufactured alimentary salt.

### (iii) Opium Revenue

The manufacture and sale of opium being free and unrestricted, the opium yielding poppy was extensively cultivated in Avadh before annexation. Like most crops, the

1. Financial Dept., Separate Revenue B. Cons., October 1870, No. 27.

2. Ibid., January 1871, No. 24.

3. Avadh Revenue Administration Report, 1872-73, para 93.

4. Ibid.

poppy was subject to wide seasonal fluctuations, which greatly affected the market price of the opium. In 1856, the whole produce of the province was estimated at about 400 to 450 maunds and its price varied between 5 and 3 rupees per seer according to the quality of the drug. The chief markets for opium were Lucknow and Faizabad, but a considerable quantity was smuggled into the neighbouring North-Western Provinces.<sup>1</sup> In 1834, the medical officers in-charge of the English Military Cantonments of Lucknow, Sitapur and Sultanpur had been appointed to purchase the opium in Avadh on behalf of the East India Company, under certain restrictions. They forwarded it under suitable escort from these places to the chief factory at Ghazipur.<sup>2</sup> After annexation orders were issued that opium would be purchased from the cultivators at the English factories at the standard consistence,<sup>3</sup> and would be paid at the Government rate of Rs. 3 and 4 annas per seer of 80 tolas.<sup>4</sup> Adulterated opium was made liable to confiscation.<sup>5</sup> Regarding future of opium cultivation, the Chief Commissioner, Jackson proposed to leave the cultivation of poppy free without introducing the Opium Excise laws and the system of advances to the cultivators prevailing in other provinces. Instead of the Deputy Opium Agent and a separate excise staff, the officers of the Commission were to receive opium at a fixed price after its quality having been tested by the medical surgeon. The better quality of opium was to be transmitted to the Ghazipur factory, and the inferior one was to be sold at the purchase price to the licenced retailers. The penalties of excise laws were to be enforced against persons who might be found having opium in any quantity not legally obtained.<sup>6</sup> The Government of India

1. For. Dept., Pol. Cons., 13 March 1857, No 149.

2. Ibid., No. 146.

3. Ibid., No. 148.

4. Ibid., No. 145.

5. Ibid., No. 146.

6. For. Dept., Pol. Cons., 13 March 1857, No. 149.

sanctioned the scheme in March 1857 to be experimented,<sup>1</sup> but it could not be enforced in that season owing to the preoccupation of the district officers in the final revision of the Summary Settlement.<sup>2</sup> In September 1858, the Chief Commissioner, with his concurrence, forwarded a minute prepared by the Judicial Commissioner, Campbell in which he proposed to continue the free cultivation of the poppy and a taxation on local consumption through licencing the opium vendors.<sup>3</sup> Accordingly, the cultivation of the poppy was left free, and the monopoly of the retail sale of the drug was leased out to the contractors exactly in the same way as the sale of spirits was farmed. The cultivators were strictly prohibited from selling their opium to any one but the contractors or the opium agents in the neighbouring British districts.<sup>4</sup> But this system was found to entail many abuses. Amongst them were many impediments presented by the contractors in way of the cultivators taking their opium to the government factories. Sometimes, they retaliated against defying cultivators by damaging their standing crops.<sup>5</sup> Besides this, as there was no practical prohibition against the extraction and sale of the opium, the monopoly of its sale was substantially worthless. The cultivators undersold the contractors. Therefore, no one willingly purchased the contract of the opium sale.<sup>6</sup>

To obviate these evils, the Chief Commissioner, Wingfield proposed that no person should be allowed to cultivate the poppy except with a licence granted by the Agent, specifying the extent of the land to be brought under the cultivation, and the Agents should be authorized to withdraw the licences

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1. For. Dept. Pol. Cons., No. 165.

2. Ibid., 1 May 1857, No. 108.

3. Pol. Despatch to the Secretary of State, 22 November 1859, No. 205.

4. For. Dept., Pol. Cons., July 1860, K. W. No. 88-90.

5. Ibid., 20 January 1860, No. 196.

6. Ibid., No. 196.

of the cultivators if they failed to produce the estimated out-turn of their land. Every cultivator should be expressly enjoined to deliver their entire opium to government. For the supervision of the opium cultivation and its purchase, the Chief Commissioner proposed to establish two government opium agencies at Faizabad and Sitapur. Regarding the retail sale, he recommended the plan lately adopted by the Sadar Board of Revenue in the districts of the North-Western Provinces. Under this plan the opium was to be sold by the government at the district and tahsil offices at the rate of 12 rupees per seer and a small commission was to be allowed to the officers performing this duty.<sup>1</sup> The proposed scheme had two good features: firstly, that it reduced the chances of illicit traffic to the minimum, and secondly, it avoided the system of advances to the cultivators. But, it did not get rid of the main objection against this system that it made the British Government the monopolist and great supplier of the opium. Bartle Frere, the member of the Governor-General's Council, therefore desired that it was better to get rid of this reproach if it could be possible without considerable injury to the revenue, and suggested a trial of Malwa System in Avadh.<sup>2</sup> But it was not found possible to abandon either the system of monopoly and suffer the loss of revenue which was easily obtainable without any direct taxation upon the inhabitants of Avadh, nor it was practicable to establish a system like the Malwa System in Avadh, which adjoined Gorakhpur, and was nearer to Bihar where a quite different system prevailed.<sup>3</sup> Thus, the system of opium administration advocated by Wingfield was introduced. In 1864-65, the cultivation of opium in the province extended to an area of

1. For. Dept., Pol. Cons., July 1860, No. 80.
2. Minute by Bartle Frere, dated 16 January 1860; vide For. Dept., Pol. Cons., 20 January 1860, No. 197.
3. Governor General's Minute, dated 25 January 1860; vide For. Dept., Pol., Cons., July 1860, No. 89.

49,089 bighas.<sup>1</sup> In 1865, the Government of India decided to offer only 45,000 chests of provision opium for annual sale, and therefore, it necessitated a reduction in the area of cultivation and the cost of production.<sup>2</sup> Consequently, the Sitapur Agency was closed in 1865.<sup>3</sup> However, in 1868, the government again decided to form a reserve stock of 10,000 chests in plenteous year to meet the deficiency in years of scarcity. In pursuance of the above policy, the Sitapur Agency was re-established in January, 1869.<sup>4</sup> But, notwithstanding stricter regulations and vigilance, there was a considerable falling off in the proceeds of excise revenue from opium. In 1869, the sale of opium realized Rs.82,280, which was Rs. 13,881 less than the receipts of 1867-68.<sup>5</sup> This may be ascribed to the prevalence of illicit cultivation and sale of the poppy in the province. The government purchased the drug at Rs. 4 and 8 annas per seer, and supplied it in retail at Rs. 16 per seer and so it was very natural for the licenced vendors to sell illicit opium, which could be easily obtained at any price below the government rate. Therefore, with a view to suppressing illicit sale of opium, a system of farming was experimentally introduced in 1870 to last for one year.<sup>6</sup> Under this system, the right to vend the opium was auctioned to the highest bidder who made his own arrangement with the vendors. The revenue from the excise opium increased under the system; but simultaneously, the temptation of smuggling also intensified because of the exorbitant prices charged by the farmers who supplied the drug. Owing to this evil, the sale of opium was again entrusted to the treasures.<sup>7</sup> The revenue receipts from the opium in 1875

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1. Avadh Administration Report, 1865-66, para 24.

2. Financia. Dept., Expenditure Cons., Eebruary 1869, No. 43.

3. Ibid., No. 46.

4. Ibid., No. 48.

5. Avadh Administration Report, 1869, para 63.

6. Financial Dept., Separate Revenue Cons., 1871, No. 7.

7. Avadh Revenue Administration Report, 1870-71, para 94.

amounted to Rs. 74, 783. An attempt was made in the same year to raise the revenue by introducing the sale of an opium of lower consistency than ordinarily manufactured at a cheaper rate. But, it could not prove much effective in raising the revenue.<sup>1</sup> In 1876, the government derived from the opium an excise revenue of Rs. 80,716.<sup>2</sup> However, it may be plainly admitted that in the poppy growing regions of Avadh, it was extremely difficult to suppress entirely the passing of illicit opium in consumption.

#### (iv) Stamps Revenue

Of the other heads of taxation, the stamp revenue was levied in India originally with a two-fold object : firstly, to discourage litigation in the courts, and, secondly, to raise a revenue. It was derived partly from stamps on commercial papers, and partly from fees levied in the form of stamps on proceedings in the judicial courts. Upto 1860, the stamp duty in Avadh was unimportant but with the introduction of Act XXXII of 1860, which necessitated the use of stamps for all deeds intended to be registered, it became one of the most valuable sources of income. Under Act X of 1862, the receipts under this head exhibited a more steady increase. In 1861-62, it yielded a net revenue of Rs. 279,925; in 1864-65, it increased to Rs. 461,880-1-11. This revenue accrued mainly from the extensive use of the judicial stamps. The receipts from the sale of adhesive stamps or non-judicial stamps bore a smaller proportion to the gross revenue on this account.<sup>3</sup> However, with material progress and increasing commercial transactions in the province, there was a corresponding rise in the proceeds of the stamp revenue. In 1868, the net receipts from the sale of stamps amounted to Rs. 696,090-0-1, inclusive of

1. Avadh Revenue Administration Report, 1874-65, para 165.

2. Ibid., 1875-76, para 102.

3. Financial Dept., Separate Revenue Progs., October 1865, No. 479.



Rs. 78,546-9-10 received from the sale of general or non-judicial stamps.<sup>1</sup> The stamps were ordinarily sold by licenced vendors, but to ensure proper and sufficient supply of stamps and with a view to providing more convenience to the inhabitants of the province, the Registrars in the courts<sup>2</sup> and the Muharrirs at the police stations were appointed stamp vendors.<sup>3</sup> In 1869, there were 448 stamp vendors, of which 370 were non-official vendors.<sup>4</sup> In course of time, the Stamp Act of 1862 was found unsuitable because of its imperfect and ambiguous provisions which were sometimes ill-understood by its administrators causing a loss of revenue through the evasion of the stamp duty.<sup>5</sup> Consequently, to remove this defect, the General Stamps Act No. XVIII of 1869 was passed on 13 August 1869. It came into force on 1 January 1870.<sup>6</sup> Simultaneously, the Court Fee Act of 1869 was also introduced in Avadh. Under these Acts, the stamp duty revenue increased to Rs. 9,15,667-11-9 in 1869 which was nearly treble the amount realized in 1862-63.<sup>7</sup> In 1871, the Government of India issued new rules for the vend of stamps. Under the new rules, general stamps were open to sale by official and non-official vendors alike, but the court fees stamps could be sold by ex-officio vendors alone. Besides, the general licenced vendors were allowed a discount on the general stamps purchased by them from the government, but the ex-officio vendors received no such discount on the value of either the general or the court fees stamps.<sup>8</sup> The ultimate consequence of this new system of

1. Avadh Revenue Administration Report, 1867-68, Part I, para 59.
2. Avadh Administration Report, 1860-61, para 14.
3. Financial Dept., Separate Revenue Progs., October 1865, No. 479.
4. Avadh Revenue Administration, 1869-70 para 34.
5. Financial Dept., Separate Revenue Progs. October 1869, No. 7.
6. Ibid., No. 90.
7. Avadh Revenue Administration Report, 1869-70, para 27.
8. Financial Dept., Separate Revenue Progs., January 1872, No. 3. Avadh Revenue Administration Report, 1871-72, para 74.

vend was the complete transfer of the sale of general stamps to licenced vendors with the exception of those of high value which they did not keep, and to the treasury officials of the entire sale of the court fees stamps. It caused considerable inconvenience to the people who were deprived of the facility of purchasing the judicial stamps from the general vendors at their doors.<sup>1</sup>

#### (v) Excise Revenue

The revenue under the head of excise or *abkari* is derived from duties on the manufacture and sale of intoxicating drugs and alcoholic drinks. It was one of the important sources of revenue in the province. After annexation, a system of farming was adopted throughout Avadh, under which a fixed rent was realized from the liquor shops instead of a fixed duty per gallon.<sup>2</sup> In 1861, the system of Sadar distilleries was introduced in the province,<sup>3</sup> under which distilleries were established in each tahsil; the *abkars* were required to manufacture their liquor there, and distillation of liquor in any place other than the distilleries was strictly prohibited. A still-head duty of 12 annas per gallon was fixed on all spirituous liquor of 25° or more below London proof. Stronger spirit, however, could be distilled on obtaining permission from the District officers and paying a duty of Rs. 1-4-0 per gallon.<sup>4</sup> In May 1862, the duty on spirits was raised to Rs. 2 per gallon of proof and Rupee one, and 8 annas per gallon of 25° below proof except in certain places on the borders of the North-Western Provinces, remote from a distillery, where a reduction of 25 percent was allowed. The right of vend was restricted to specified shops which was leased separately. The fees for shop licences were fixed at Rs. 15 for cities, Rs. 7 and 8 annas for towns, and Rs. 2

1. Avadh Revenue Administration Report, 1871-72, para 76.

2. For. Dept., Revenue Cons., January 1862, No. 38.

3. Ibid., April 1863, No. 16.

4. Avadh Administration Report, 1860-61, para 89.

for villages per mensem.<sup>1</sup> A Superintendent of Excise and Stamps was appointed in May 1862 for better supervision of the excise and stamps administration, and for his assistance a special agency of Assistant Superintendents with suitable establishment was sanctioned. For detection of illicit dealing and distillation of spirits an *Abkari Daroga* was appointed to each district except Lucknow.<sup>2</sup>

For producing high class pure spirit, the Rosa Distillery of Shahjahanpur was accorded sanction in January 9, 1862, to establish a distillery at Lucknow.<sup>3</sup> In 1863, the system of central distilleries was modified; the distilleries established at tahsils and district headquarters were continued, but the rest were replaced by wholesale liquor shops.<sup>4</sup> The object of the wholesale shops was to place liquor more within the access of those retail vendors who, living at a distance from the distilleries, suffered great inconvenience and cost in going to the distilleries.<sup>5</sup> Such shops could be opened only beyond 14 miles from a distillery. A wholesale vendor had to pay a licence fee of Rs. 2 per month, and to sell only to the licenced retailers in no less quantity than two gallons at a time.<sup>6</sup> The high rate of duty levied in 1862, notwithstanding efficient supervision and stringent excise regulations, caused a sudden fall in the excise revenue, reducing the gross receipts from Rs. 653,452 in 1861-62 to Rs. 555,424 in 1862-63. Besides, it offered a high premium to illicit dealers and distillers and encouraged smuggling. Consequently, it was reduced to a lower rate of Rupee one on liquor of proof and 12 annas on liquor of 25 below proof.<sup>7</sup> The

1. For. Dept., Revenue Cons., April 1863, No. 16.

2. Financial Dept., Separate Revenue Cons., December 1864, No. 484.

3. For. Dept., Revenue Cons., January 1862, No. 40.

4. 23 such shops were opened in place of 45 distilleries closed.

5. Financial Dept., Separate Revenue Cons., February 1866, No. 140.

6. Ibid., February 1866, No. 141.

7. Ibid., December 1864, No. 485.

lowering of the excise duty resulted in a steady increase of revenue, of which we can have an idea from the following statement showing the receipts :—

Years	Still-head duty	Licence fees	Gross receipts
1864-65	485,663	110,176	595,839
1865-66	473,783	107,560	581,343
1866-67	535,161	108,462	643,623
1867-68	585,180	126,535	711,715
1868-69	520,702	128,539	649,241
1869-70	557,476	128,721	686,197
1870-71	560,873	132,313	693,186
1871-72	450,473	128,246	578,719
1872-73	397,637	109,395	507,032
1873-74	441,798	110,565	552,363
1874-75	534,992	113,918	648,910
1875-76	596,307	125,590	721,897

It is worthy of note that in Avadh liquor shops were more numerous and the sale was larger than in the North-Western Provinces. A comparison<sup>1</sup> between the number of shops in some of Avadh Districts and adjacent ones of the North-Western Provinces indicates the possibility that some of Avadh shops were kept open at the expense of the revenue of the neighbouring province.<sup>2</sup> The reason of this glaring

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Districts	Number of shops	District	Number of shops
Rae Bareli	467	Fatehpur	118
Kheri	379	Ranpur	107
Sultanpur	364	Allahabad	125
Pratapgarh	93	Jaunpur	151
Faizabad	362	Azamgarh	53
Gonda	282	Basti	125

Vide Avadh Revenue Administration Report, 1873-74, para 59.

2. Ibid., para 59.

discrepancy may be traced to the fact that the still-head duty in Avadh varied between Rs. 1-12-0 per gallon according to the strength of the spirit, whereas in the North-Western Provinces, a fixed still-head duty of Rs. 1-8-0 was levied.<sup>1</sup> It was only in the year 1877-78 that this disparity could be removed by fixing a uniform still-head duty of Rupee one per gallon in both the provinces, irrespective of the strength of the spirit.<sup>2</sup>

As regards the intoxicating drugs, *ganja* and *bhang* or the wild hemp grew largely in two or three districts of the province. *Ganja* was locally consumed in the province, but the *bhang* was, to an extent, exported to Rajputana. The monopoly of the sale of these drugs was farmed out in each district to the highest bidder who acquired the right of issuing licences to the retail sellers for a year.<sup>3</sup> The drug contractors generally received their supply of these drugs from Bengal.<sup>4</sup> Under this system of management the drug revenue, however, exhibited a tendency of gradual decline. Therefore, for the drug other than opium and toddy it was replaced in 1870 by the Bengal system of *Kham* management.<sup>5</sup> Under this system the retail vendors were permitted to sell these drugs upon licences issued by the Deputy Commissioner of the district and they were charged a monthly fee varying according to the circumstances of the different districts and without reference to the actual quantity of the drug which they could sell.<sup>6</sup> The new system perceptibly improved the drug revenue. In 1876-77, the drugs realized an excise revenue of Rs. 72,746.<sup>7</sup>

1. Avadh Revenue Administration Report, 1874-75, para 159.

2. Excise Administration Report of North-Western Provinces and Avadh, 1872-78, para 8.

3. For. Dept., Revenue Cons., April 1863, No. 16.

4. Financial Dept., Separate Revenue Cons., December 1864, No. 484.

5. Ibid., June 1872, No. 13.

6. Avadh Revenue Administration Report 1872, para 71.

7. Excise Administration Report of Avadh, 1876-77, para 41.

## CHAPTER VI

### EDUCATION

In Avadh the system of education under its rulers was indigenous in character. The Brahmins and Kayasthas maintained their private schools where Sanskrit and Persian were taught to the pupils. Likewise, the Muslim Maulvis had established schools for the Muslim students where Persian and Arabic were taught. The nature of education was entirely religious. Every mosque served as a *madarasa* where the students were made to memorize the Quran and learn Persian from the Maulvis. The Brahmins were generally maintained by the grant of rent-free lands from the zamindars given for imparting education to the students of their villages. Therefore, they did not charge any fee for educating their pupils, and sometimes even they clothed and fed them at their own expense.<sup>1</sup> When a Kayastha was employed as an assistant, he received four annas a month from each student. But whenever the number of pupils exceeded 100 in number, the charge had to be reduced to two annas.<sup>2</sup> English was not taught in any of these schools, but there is reason to believe that many wealthy and enlightened zamindars were gradually realizing the usefulness of Western education<sup>3</sup>. Hence the Christian missionaries had been slowly endeavouring to promote the study of Western knowledge and religion in the province. They had maintained two schools at Lucknow to teach English and the Vernacular to local students. One of them was a Christian Girls' School, towards the expenses of which the Avadh

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1. Donald Butter, *Outline of the Topography and Statistics of the Southern Districts of Oudh* (Calcutta, 1839) Chapter XIII, p. 165.

2. Ibid., p. 165.

3. Donald Butter, *Op. Cit.*, p. 167.

government contributed Rs. 200 per month.<sup>1</sup> The other was La Martiniere College, still in existence. The La Martiniere College had been founded in the memory of late Claude Martin and was largely supported by the charitable bequests made by him.<sup>2</sup> It was regarded as an efficient and renowned institution. It had two departments of teaching: Oriental and English. The number of students increased every year.<sup>3</sup>

It is obvious that education under the rulers of Avadh was not a state responsibility. The educational institutions, therefore, largely depended on the support of zamindars and charitable endowments. Thus, the promotion of secular education as part of government responsibility was introduced in Avadh only with the transfer of the kingdom to the British dominion.

At the time of the introduction of British rule in Avadh, the theory of education in British India was contained in the despatch of the Home Government of 1854, popularly known as Wood's Despatch. The Despatch in its preamble admitted that among several subjects of importance education had the strongest claim on the attention of the government, and 'conferring upon natives of India those vast moral and material blessings, which flow from the diffusion of useful knowledge,' was one of government's most sacred duties.<sup>4</sup> The main object of the Despatch was to divert the efforts of the government from the education of the higher classes upon whom they had hitherto been exclusively directed, and to turn them to the wider spread of education among all classes

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1. Home Dept., Pol. Progs., 21 April 1849, No. 108.

2. Ibid., 3 December 1862, No. 1.

3. Home Dept., Public Progs., 8 August 1851, No. 29. On March 1, 1851, the number of students on the roll was 186, of which 129 students belonged to the English, and 57 to the Oriental Department.

4. Educational Despatch of 19 July 1854, No. 49, vide Parliamentary Papers, H. C., 1854, No. 393.

of the people. This was to be achieved by the provision of primary instruction to the masses through the direct instrumentality of government.<sup>1</sup> The Despatch laid down that the system should be extended upwards on the basis of perfect religious neutrality, by the establishment of government schools as models to be gradually superseded by schools supported on the grants-in-aid principle.<sup>2</sup> Application of these principles resulted in rapid and consistent development of education after 1854 in most parts of India, except during the period of the Revolt.

Whatever might have been the guiding principles in other parts of India, the Avadh Administration still believed in the 'Filtration Theory' of education, according to which the government measures were to be limited to providing the means of education for the higher classes only.<sup>3</sup> The efforts of the Administration were earnestly directed, after the restoration of peace, to the promotion of education on this principle. In 1860, grants-in-aid were sanctioned to the schools established for the education of the sons and descendants of taluqdars and the landed proprietors.<sup>4</sup> The Chief Commissioner addressed a Circular<sup>5</sup> to the District Officers urging upon them the necessity of imparting the elements of the Western science and knowledge to the sons of the great land-owners and the leading gentry of the province. The grants-in-aid system was considered the most effectual means of combining government agency with local endeavours and as the most promising source of the future extension of education. The District Officers exerted themselves zealously in advancing the cause of education. Under their influence the taluqdars and land proprietors liberally contributed to the establishment of schools. In

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1. Home Dept., Education Progs., 2 May 1863, No. 27 A.

2. Ibid., No. 27 A.

3. Ibid., 19 June 1863, No. 14.

4. Ibid., 12 September 1862, No. 14.

5. Avadh Administration Report, 1859-60, para 98.



consequence excellent schools of a superior order were gradually opened, and grants-in-aid were extended to the schools at Sitapur, Lakhimpur, Gonda, Pratapgarh, and Faizabad.<sup>1</sup> These schools were called taluqdari schools on account of the partial support given to them by the taluqdars. Each of these schools was divided into two classes : higher and lower—the former for the instruction of the sons and relations of the taluqdars, and the latter for lower classes on payment of fee. The taluqdars, although they appeared generally to appreciate the advantages of these institutions, were quite reluctant to send their children. Sixty-three students were in 1861, on the rolls of the higher schools, but they attended the schools very irregularly.<sup>2</sup> In this connection, the remarks of the Deputy Commissioner of Sitapur are very interesting.<sup>3</sup>

“The taluqdars are averse to sending their children to schools at a distance; with the mothers this feeling is even stronger, and the boys themselves are very apathetic and insensible to the advantages of education though there are a few honourable exceptions.”

The officials and respectable natives, engaged in trade and business, however, evinced a keen interest. Their children attended the schools regularly, worked hard, and their progress was most encouraging.

Besides the taluqdari schools, several Vernacular schools were opened in different parts of the province. These schools had ordinarily been established at Tahsil headquarters supported in part by voluntary subscription and in part by a small aid from the local funds.<sup>4</sup> Simultaneously, with the establishment of the taluqdari and tahsili schools, some private institutions also sprang up. In 1860, one Girish Chandra Ghose established a school known as ‘Girish

1. Avadh Administration Report, 1860-61, para 98.

2. Home Dept., Education Progs., 12 September 1862, No. 86.

3. Avadh Administration Report, 1861-62.

4. Ibid, 1860-61.

Chandra's School' at Lucknow.<sup>1</sup> A school for the education of the daughters of Europeans and Eurasians was opened in the same year at Lucknow by the personal efforts of Abbot, the Commissioner of Lucknow Division.<sup>2</sup> But, the diffusion of primary education and the improvement of indigenous schools were entirely left to the care of the people themselves as an object for individual enterprise, endowments and contributions.

Notwithstanding the rapid growth of schools, there were some glaring defects in the educational system of the province. One great evil of the schools, taluqdari and tahsili alike, was want of system and order in the management. Secondly, there was an attempt to teach too much which necessarily led to inefficient teaching. In some schools, the pupils were taught English, Persian, and Sanskrit at once to the utter neglect of their own Vernacular; consequently they did not acquire thorough knowledge. Their memory alone was exercised, and not their understanding. Thirdly, there was complete lack of an efficient and permanent controlling and supervising agency. In spite of their sincerity and interest, the tahsildars and the District Officers could hardly supervise them because of their pre-occupation with other important affairs.<sup>3</sup> Hence, to remedy these evils, a popular, well balanced and uniform scheme of education was urgently needed.

### **Schemes of Education**

#### *Yule's Scheme :*

Having been directed by the Secretary to the Government of India, the then Officiating Chief Commissioner, Yule proposed a scheme for the promotion of education in the

- 
1. Home Dept., Education Progs., 8 November 1861, No. 24.
  2. Avadh Administration Report, 1860-61.
  3. Home Dept., Education Progs., 12 September 1862, No. 86.

province of Avadh.<sup>1</sup> The main proposals of the Officiating Chief Commissioner were as follows :—

(1) He proposed to appoint a Director of Education, who should have adequate qualifications with some knowledge of educational matters. The Director of Education was to be treated equal in rank and pay to a Deputy Commissioner of the first class in order that a competent man could be induced to accept the office and retain it. He was to work with the Deputy Commissioner in each district, aiding and advising him, and relieving him of a great part of the work of supervision and examination. He would be immediately subordinate to the Chief Commissioner. The Director of Education would be assisted by four Divisional Inspectors of Schools of different grades<sup>2</sup>. The Inspectors were to work under the general control and superintendence of the Commissioners of their Divisions. They would be required to visit the headquarters of each district in their Divisions once a quarter and to remain there a week or ten days. The Tahsil indigenous schools would also be visited by them as far as possible, and at least twice a year. In each district, they would work under the Deputy Commissioner, consulting his wishes on all matters and reporting to him regarding the schools visited by them.

The Officiating Chief Commissioner did not propose to appoint District Inspectors at once as there was scarcely any work for them; they were to be appointed after the schools had considerably increased in number. The Director of Education should have an office establishment not exceeding Rs. 300 per mensem in cost and should receive travelling allowances of a Deputy Commissioner. The Inspectors were

1. Home Dept., Education Progs., 12 September 1862, No. 86
2. Two Divisional Inspectors were to be appointed on Rs. 250 per mensem each; the third on Rs. 800; and the fourth on Rs. 400 per mensem. Vide Home Dept., Education Progs. 12 September 1862, No. 86.

to charge travelling allowances of Extra Assistant Commissioners. In this way, Yule estimated the total cost of establishment in round figures at Rs. 45,000 per year.<sup>1</sup>

(2) With regard to the schools, the Officiating Chief Commissioner proposed to establish taluqdari of Zila schools at each district headquarters except Lucknow, where he hoped to find such schools established by private enterprise. In the Zila school the course of education, found most beneficial in the better schools of the older provinces, was to be followed. The students were to learn only two languages to the exclusion of Sanskrit, of which one was to be necessarily the Vernacular: Hindi or Urdu - Persian was also to be discouraged as much as possible. More time than usually allowed was to be devoted to physical exercises in the schools. The question of imparting special education to the boys showing special aptitude for any particular line, and also of awarding scholarships at Banaras, Roorkee or elsewhere, should Lucknow not have a college of its own, Yule wished to consider when the schools had come into full play.

There were at that time about 20 Tahsili schools. The Officiating Chief Commissioner proposed to have about 500 schools more. These schools were to be established at each Tahsil station and at each town where the inhabitants proved their anxiety to avail themselves of education by the amount of their subscriptions. He wished to restrict teaching in these schools to the Vernaculars (Hindi or Urdu) arithmetic and

1. Home Dept., Education Progs., 12 September 1862, No. 86.

The cost of establishment was calculated as given below :-

1 Director on Rs. 15,00 per mensem	.. Rs. 18,000
4 Inspectors	.. Rs. 14,400
Contingencies including travelling allowances.	.. Rs. 7,500
Estslishments	.. Rs. 4,080
Total	.. Rs. 43,980

account keeping, mensuration and book-keeping Sanskrit was on no account to be allowed. As these schools were expected to be largely supported by private subscriptions, by fees and by occasional grant from the local funds only a monthly sum of Rs. 500 for application in aid of Tahsil schools was asked for. The grant to any one school was to be limited to a maximum of Rs. 50 per month <sup>1</sup>

As regards the village schools, Yule was opposed to all direct interference; but at the same time he favoured encouraging them in every possible way. If the promoters or the teachers liked, the civil officers, the Director, and Inspectors could visit them regularly and examine the pupils recording their remarks in books to be maintained for the purpose. He also proposed to establish village schools at places where none existed, but where sufficient number of pupils, say 20 or 25, could be obtained to begin with, provided that the inhabitants of the neighbourhood built a good school house and gave some aid by subscription.

(3) The Officiating Chief Commissioner proposed that fees should be charged in all schools except the indigenous village ones at the same fixed rate in each class of schools. He suggested the following scale of fees : Rupee one per month for zila, eight annas for tahsili and four annas for village schools. Fees so realized were to be spent on improvements and repairs of the school houses, rewards to teachers, and prizes to pupils. The fees were likely to cause discontent at first, but in the opinion of the Officiating Chief Commissioner, this could be easily overcome by perseverance and demonstration of benefits from education after some such schools had come into existence.<sup>2</sup>

1. Home Dept., Education Progs., 12 September 1862, No. 86.

2. Ibid.

The total cost on the entire scheme was estimated approximately at Rs. 91,000<sup>1</sup> of which the Officiating Chief Commissioner proposed to devote Rs. 43, 980 towards meeting the cost of controlling and supervising agency. This was, indeed, a large sum for superintendence only but Yule supported this heavy appropriation on the ground that, "without the most efficient supervision the money spent on schools established by government had better be saved, for the only result is to produce conceited smatterers scarcely fit to be copyists in an office, deficient alike in learning and honesty."<sup>2</sup>

Yule's scheme of education had obviously two defects. Firstly, that it provided a very large proportion of the sum to be allowed for purposes of education to be spent upon controlling agency not directly engaged in instruction, and secondly, that it contained no provision for preparing a regular supply of trained teachers for the schools proposed to be established.<sup>3</sup>

But before the scheme could be considered by the Government of India, Yule forwarded<sup>4</sup> another scheme prepared by Handford with his full concurrence and in preference to his own plan. Handford was then second master in the Martiniere at Lucknow. He had devised his plan with a view to securing a good system of teaching, an efficient supervision, and a supply of teachers trained for the job.

1. Home Dept., Education Progs., 12 September 1862, No. 86.

The total cost of the scheme was estimated as follows :-

Direction and c.	Rs. 45,000
Talugdari schools. present grant for 5.	Rs. 11,400
Additional proposal for 6	Rs. 21,600
Tahsili schools	Rs. 6,000
Village schools	Rs. 6,000
Books of references, etc.	Rs. 1,000

Total : Rs. 91,000

2. Ibid.
3. Home Dept., Education Progs., 12 September 1862, No. 87.
4. Ibid., No. 87.

### Handford's Scheme

Handford contemplated three classes of schools; zila schools, tahsili schools and village schools, and proposed following courses of instruction for the zila and tahsili schools. In zila schools, the students were to be taught : (1) Mathematics, including Arithmetic, Algebra, Geometry, Mensuration, Land surveying and Trigonometry; (2) English—Grammar, Composition and Literature; (3) History (4) Science, Geography, and Astronomy; (5) General Knowledge; (6) Oriental languages; (7) Law and; (8) Divinity (Optional). In Tahsili schools, the following subjects were to be taught : (1) Elementary Mathematics (2) Geography; (3) History—England and India; (4) Vernacular languages—Grammar, Reading and Composition; (5) General Information.<sup>1</sup>

He proposed to establish a Training College at Lucknow to train teachers specially for the Zila and Tahsili schools. Candidates to the college were to be admitted by the result of the Entrance Examination. The admitted candidates were to pursue course in (1) General Education; thus preparing for the final examination (2) Special duties of a school master; (3) In practical teaching in the practising school. At the end of each session, a general examination was to be held. Students gaining more than half the total number of marks were to be considered qualified for appointment as school teachers. For imparting practical teaching, some existing schools, both English and Vernacular, were to be secured. Until village teachers were sent up for instruction, a Principal and one Indian Assistant were considered sufficient. The Principal would look after the general management of the college, besides teaching the higher class students. He would be directly responsible to the Chief Commissioner, if no Director of Public Instruction was appointed.<sup>2</sup> The Assistant teacher would only instruct the Vernacular students.

1. Home Dept., Education Progs., 12 September, 1862, No. 88.

2. Ibid., No. 88.

Handford recommended that the Government should offer a decent subsistence allowance to the pupil teachers while they remained in the Training College, with the prospect of salaries as school teachers, slightly higher than they would be likely to get in Government offices. Such advantages alone could induce students to join the Training College in large numbers. The scheme provided that the students in the Training College should each year have three months practical teaching in Government schools. On 1 November of each year they should be allowed a vacation of 15 days. After the vacation, they should be required to present themselves at the schools to which they had been severally allotted; there they were to remain, assisting the teachers of the said school in their various school duties until the 15th of February. After a second vacation of 15 days, each student should be required to present himself at the Training College again on 1 March to continue his course of training. During the four months from November to February, the staff of the Training College would have no work at the college. The Principal of the Training College should during this period visit each of the Zila schools, staying about a week at each. These visits, Handford believed to be most beneficial in a variety of ways.<sup>1</sup> Firstly, by actually sharing the school work for a week the Principal would learn for himself the needs of the school; he would see what kind of teachers were required; he would know the practical result of his own training, its merits and demerits. Secondly, the embryo school teacher at work would see their Principal teaching the students; they would be able to correct their faults; they would learn how to teach and from what they observed how to shape their future studies. Thirdly, the Principal, being an experienced teacher and school master, would easily detect vicious habits which isolated teachers at work in the schools are easily apt to contract. He would point out their

1, Home Dept., Education Progs., 12 September 1862, No. 88.



results and by his own example as a teacher he would reveal the remedy. Fourthly, the Principal would make a brief report to the Government of his tour. This report would be more valuable than the report of an ordinary Inspector, for the Principal would know both teachers and schools better than any Inspector could know them.

The scheme of Handford, thus, provided not only for the training of the teachers of all grades but also for the efficient and economical inspection of the first class schools. Moreover provision could be made for the inspection of lower schools and for the training of village teachers by a comparatively small additional expenditure. One great objection that could generally be raised against the scheme is that it was unwise to trust the Principal to report on schools whose teachers he had trained. Handford argued that the man who was fit to train teachers ought to be above suspicion. Why should the Principal be less trusted than an Inspector? The Inspector proposed changes, introduced them, and then reported on the results. If the government doubted its own servants, there was much reason for it in the case of an Inspector rather than in the case of a Principal. Similarly, the Director of Public Instruction reported on his own work, and yet he was trusted. Therefore, there was no reason to doubt the integrity of the Principal.<sup>1</sup>

These schemes were sent to the governments of Bengal and the North-Western Provinces for the opinion of the Director of Public Instruction in those provinces upon the suitability of either of the schemes for the province of Avadh.<sup>2</sup> W. S. Atkinson, Director of Public Instruction in Bengal commented that " (1) the plans, though submitted as the programme of a complete and sufficient educational system did not provide for the province means of a really liberal

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1. Home Dept., Education Progs., 12 September 1862, No. 88.

2. Ibid., No. 81.

3. Ibid., 19 June 1863, No. 12.

education of a high standard. The highest educational institution proposed in the plan was not a college where young men of Avadh could pursue a liberal University course and thereby obtain a University degree, but a mere Training College to impart a special professional education to school teachers. He proposed<sup>1</sup> (1) that a first class college at Lucknow should be established to provide to the people of Avadh a University education; such a college would contribute competent men for official situations in which Indian agency was required. (2) That a Director of Public Instruction should be appointed in the very beginning to supervise and control the educational organization in the province. He should be required to officiate as the Principal of the college until the duties of the Principal became onerous, and it was found desirable to separate the two appointments. (3) That two Divisional Inspectors under the Director aided by one or two Indian Assistant Inspectors would be sufficient for Avadh; (4) that a Normal school should be established for training teachers of the Tahsili Vernacular schools and the indigenous village schools.

The Director of Public Instruction, North-Western Provinces, Kempson, while preferring Yule's scheme as better adapted for the establishment of a good working system, differed with him on two points<sup>2</sup> : (1) It was not desirable to discourage Persian and suppress Sanskrit. (2) The adoption of the high rates of fee would be an obstacle to the growth of education. First, schools should be opened, the value of education should be demonstrated and explained to the people, and only then they would be ready to pay for the education.

As regards the directing agency, Kempson was of the view that it was not absolutely necessary. Avadh should be formed into a fourth educational circle under the Department of

1. Home Dept., Education Progs., 17 June 1863, No. 12.

2. Ibid., No. 13.

Public Instruction of the North-Western Provinces subordinate to the government of Avadh and 12 Indian Deputy Inspectors, one for each district and a proportionate number of sub-Deputy Inspectors, one for each pargana should be appointed.

The total cost of education, including grants-in-aid, when this scheme came in full operation was estimated by Kempson at Rs. 90,000/ per annum. It was less than the estimate of Yule and worked out at 3 pies per head of the population, which was remarkably small, and was only one tenth of the expenditure on education in the North-Western Provinces.

### **Wingfield's Modified Scheme**

On his return from leave, Wingfield, the Chief Commissioner, on 28 January 1863, added his own recommendations to Yule's in support of Handford's scheme of a Training College and the staff of Inspectors combined.<sup>1</sup> Regarding the system of education in Avadh he maintained that it should begin with the upper and middle classes, and gradually filter through to the masses. Accordingly, his efforts were directed to establishing a few schools of a high order than many of elementary standard. Wingfield regarded some provision for the training of teachers as an essential requisite of a good educational system. The want of trained teachers was a deficiency that had been generally complained of in Avadh. Therefore, Handford's scheme appeared to him to prove the most economical mode of providing the means of training teachers and of inspection. But, he desired to have the following modifications in the said scheme.<sup>2</sup>

(1) He proposed to make the vacation, during which the teachers were to be employed in inspecting the schools, of a longer duration.

(2) In the proposed courses of study in the training course, he wanted to substitute Urdu and Hindi for Oriental

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1. Home Dept., Education Progs., 17 June 1863, No 14.

2. Ibid.

languages and to omit Law and Divinity which were not required for the training of teachers.

(3) The Chief Commissioner concurred in his predecessor's view excluding Sanskrit, Arabic and Persian from the courses of instruction in government schools because the former two languages were taught merely as the means of acquiring theological learning and the latter was almost used only for writing ceremonial letters.

(4) He wished to place Tahsili schools on a higher footing. Moreover, he was not in favour of burdening the local funds with their support. If any support was to be given at all to them from this source, it was to be applied rather to the erection of the school buildings. Accordingly, he asked for a larger sum for Tahasili schools than had been proposed by the Officiating Chief Commissioner.

(5) His plan provided for one Anglo-Vernacular school at each district headquarters except Lucknow where several missionary schools and the native branch of the Martiniere were already in existence. For the Faizabad school, he proposed a larger staff of instructors as it was in the centre of a populous city and had already 150 pupils. The establishments proposed for other Zila schools were liable to modification if justified by necessity depending on the success of the schools.<sup>1</sup>

1. Wingfield proposed the following establishment for 11 Zila schools :-

10 ordinary Zila schools		Faizabad school	
1 Head Master	Rs. 125	1 Head Master	Rs. 200
1 Native Teacher		1 Asstt. Master	
to teach English	Rs. 60	to teach Eng.	Rs. 80
1 Urdu Teacher	Rs. 30	1 Urdu Teacher	Rs. 40
1 Nagari Teacher	Rs. 20	2 Urdu Teachers	Rs. 25
Contingencies	Rs. 20	1 Hindi Teacher	Rs. 20
		Contingencies	Rs. 30
Total :-		Total :-	
Rs. 255		Rs. 395	

$$255 \times 10 \times 12 = \text{Rs. } 30,600$$

$$395 \times 12 = \text{Rs. } 4,740$$

Vide Home Dept., Education Progs., 19 June 1863, No. 15.

(6) The Chief Commissioner proposed to establish three Tahsili schools in each district except Bahraich and Lakhimpur where there were only two Tahsils. One of the three, the most remote from the headquarters, or at the next most considerable town in the district would be an Anglo-Vernacular school <sup>1</sup> Since much of the government business was carried on in English, the demand for that language was increasing. There was a strong desire on the part of the people, especially of the middle classes, to learn English, the knowledge of which would facilitate employment. The landholders also were feeling the advantage of making their sons acquainted with English, as it enabled them to communicate direct with the European officers. As such, Wingfield rightly admitted the importance of Anglo-Vernacular schools. He intended apparently to make the Zila and Tahsili schools purely governmental institutions instead of grants-in-aid schools.

(7) In regard to village schools, the Chief Commissioner agreed with Yule in his recommendation to abstain at that time from interference in their management. But, he wished to allow the teachers the opportunity of acquiring some useful knowledge and of learning the method of teaching by a course of study at the training college. He therefore, made provision for a limited number of hereditary village teachers being maintained at the training college, and if the experiment succeeded, the number could be increased. He also wanted to encourage the village schools by a system of examinations and rewards to deserving teachers.<sup>2</sup>

1. The proposed educational establishments for 34 Tahsili schools were :-

23 Vernacular Tahsili schools		11 Anglo-Vernacular Tahsili schools	
1 Urdu Teacher	Rs. 25	1 English Teacher	Rs. 60
1 Nagari Teacher	Rs. 12	1 Asstt. Urdu Teacher	Rs. 25
Contingencies	Rs. 5	1 Hindi Teacher	Rs. 15
		Contingencies	Rs. 10
Total :-	Rs. 42	Total :-	Rs. 110

$42 \times 23 \times 12 = \text{Rs. } 11,592$

$110 \times 11 \times 12 = \text{Rs. } 14,520$

Vide Home Dept., Education Progs., 19 June 1863, No. 15.

2. Home Dept., Education Progs., 19 June 1863, No. 14.

(8) While agreeing with his predecessor's proposal of school fee, he wanted that a high rate should be fixed for superior schools and half of the sum received from fees should be given to the teachers, and half spent on prizes and rewards to deserving students and teachers, and on contingencies.

(9) The Chief Commissioner, Wingfield was in favour of establishing a first class college at Lucknow, not inferior to the Queens College at Banaras. The taluqdars of Avadh were keen on founding a college, to be known as Canning College, as a mark of respect to the memory of the late Canning, and had promised to raise by subscription for its endowment an annual sum, approximately estimated at between 20 to 25 thousands of rupees. Thus, if grants-in-aid of equal amount were added to this sum, a college could be founded at the capital of the province. The promoters of the scheme were ready to place the college under the management of a committee composed, in part, of government servants.<sup>1</sup>

(1) He proposed a larger establishment for the Normal College consisting of a Principal and five teachers. The college was intended to maintain 144 pupils, of whom 120 were to be village school teachers temporarily selected for training.<sup>2</sup>

1. Home Dept., Education Progs., 19 June 1863, No. 14.
2. The proposed establishment for the Training College under Wingfield's scheme was :-
 

1 Principal at Rs. 800 rising to Rs. 1,000	..	Rs.	800
1 Master at Rs. 250 per mensem	..	Rs.	250
1 Master at Rs. 150 per mensem	..	Rs.	150
1 Teacher of Urdu at Rs. 50 per mensem	..	Rs.	50
6 First Class students at 10 each	..	Rs.	60
18 Second Class students at 5 each	..	Rs.	90
2 Training Teachers for village schools at Rs. 100 each	..	Rs.	200
120 Village Teacher students at Rs. 4 each	..	Rs.	480
Books	..	Rs.	100
Servants	..	Rs.	20
Principal's Travelling Allowances permonth	..	Rs.	75
Principal's establishment per month	..	Rs.	100

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Total : Rs. 2375 × 12 = Rs. 28,500

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Vide Home Dept., Education Progs., 19 June 1823, No. 15.

The cost of the scheme, after deducting the land-holders' subscription to taluqdari schools amounting to Rs. 11,000 was estimated at Rs. 118,332. The abstract of Wingfield's estimate is given below<sup>1</sup>:—

Grant to Canning College	...	Rs. 25,000
Training College	...	Rs. 28,500
11 Zila Schools	...	Rs. 35,340
34 Tahsili Schools	..	Rs. 26,112
Grant-in-aid already sanctioned	...	Rs. 4,380
Additional grants	...	Rs. 10,000
		<hr/>
Deduct Taluqdar's		Rs. 129,332
Subscription	...	Rs. 11,000
		<hr/>
		118,332

The Chief Commissioner, while pointing out the claim of Avadh to receive aid from the Imperial revenue, further proposed that the regular settlement then in progress, would provide for an educational cess of one percent<sup>2</sup> and when the districts came under settlement an average sum of Rs. 12,000 would be available for educational purposes. This fund, he proposed, should meet half the cost of the Training College, the entire cost of the Tahsili schools, and also provide means for increasing and improving village schools. Thus, when the cost of Tahsili schools, and half the cost of the Normal College was borne by the local, one percent fund, the total educational cost would be reduced to Rs. 77,970 per year.<sup>3</sup>

1. Home Dept., Education Progs., 19 June 1863, No. 15.
2. The Educational cess was levied in Avadh at the commencement of the regular settlement. It was a levy of  $\frac{1}{2}$  percent on the gross rental or one percent on and in addition to the government demand calculated at one half of the gross rental. Vide Note on the State of Education in India during 1866-67 by Howell, para 43 (Parliamentary Papers 1870, Vol. 52, Paper 397, p. 1).
3. Home Dept., Education Progs., 19 June 1863, No. 14.

The Government of India, after carefully considering various schemes for the promotion of education in Avadh, permitted the Chief Commissioner to try the scheme, which he had so strongly recommended subject to the following suggestions,<sup>1</sup> the adoption of which was left entirely to the discretion of the Chief Commissioner:—

(1) The Principal of the proposed Canning College, instead of the Principal of the Training College, should act temporarily as the Director of Education and the object of the Training institution should be confined to the training of the village school and Tahsili school teachers.

(2) The combined scheme of Training College and staff of Inspectors was open to several objections because inspection under such system was bound to become only superficial, and secondly, because the proper practising field for the students was the practising school attached to the Normal institution.

(3) The advantages accruing from the one percent cess to the rural population had been already demonstrated in the North-Western Provinces and other provinces. The President in Council, therefore, deemed it fair to allow the people of Avadh its benefits as soon as it came to be levied.

(4) The Government of India did not agree with the Chief Commissioner as regards the allocation of the one percent fund. This fund, it was suggested, when realized, was to bear not half but the whole cost of the Normal institution on its reduced scale as now it was contemplated purely for training teachers of rural schools. The remainder was to be applied to the establishment of village school instead of relieving the government of the cost of the Tahsili schools. This view of the Government met with the approval of Charles Wood <sup>2</sup>

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1. Home Dept., Education Progs., 19 June 1863, No. 16.

2. Educational Despatch from the Secy. of State, 24 December 1863, No. 12.



(5) Giving half the fees to the school teachers in the Government of India's view was "liable to abuse and objectionable as introducing an element of uncertainty in the remuneration of the masters, which can hardly be desirable."<sup>1</sup>

While giving sanction in accordance with the proposals of the Chief Commissioner to the establishment of a limited number of Zila and Tahsili schools under the direct management of government officers, the Government of India did not intend thereby to supersede institutions supported primarily from local sources or by voluntary subscriptions. These governmental schools, proposed to be established in Avadh, were to be regarded "as groundwork and model of a class of schools, the establishment of which from local sources, it is the object of Government to encourage."<sup>2</sup> The Secretary of State for India also characterized the Tahsili school system as the best of a model school system for the encouragement of the teachers of indigenous schools who would improve themselves and adopt improved methods of teaching.<sup>3</sup> This object to encourage institutions corresponding in status to government Zila schools was to be achieved in Avadh through the grant-in-aid system, which was applicable to all parts of the country, and in respect of town and village schools corresponding to the government Tahsili schools through local sources, whether derived from the educational cess or from dues immediately levied from the towns.<sup>4</sup>

Wingfield, after reconsidering his scheme in the light of the suggestions of the Governor-General-in-Council, again urged the government to carry out the original scheme of a Training College and the staff of Inspectors combined to which the government had not consented.<sup>5</sup> But, the

1. Home Dept., Education Progs., 19 June 1863, No. 16.
2. Home Dept., Education Cons., 22 December 1863.
3. Ibid., 22 December 1863, K. W. No. 314.
4. Ibid., 22 December, No. 4.
5. Home Dept., Education. Progs., 15 April 1864, No. 13.

Government of India was, however, not inclined to entrust the duties of direction of the Education Department in Avadh to the staff of the proposed Normal College. Similarly, combining of the Normal College even temporarily with the Canning College was considered impracticable.<sup>1</sup> Accordingly, the Chief Commissioner was asked to provide, in accordance with the instructions of the Secretary of State, for the appointment of one Director and two Inspectors to be employed solely in the duties of inspection and organization of the Education Department.<sup>2</sup>

The Chief Commissioner, on 30 April 1864, submitted his revised scheme of education<sup>3</sup> which received the sanction of the government on 29 June 1864.<sup>4</sup> The scheme provided for the appointment of a Director of Public Instruction and two Inspectors. But at that time, there being no sufficient number of schools for inspection, only one Inspector was appointed. For the village schools, which were sufficient in number, Inspectors of lower grade were to be appointed.<sup>5</sup> The Director of Public Instruction was allowed a salary of Rs. 800 rising to Rs. 1,000 in four years, the rate of increment being Rs. 100 after two years' service.<sup>6</sup> The two Inspectors were to be appointed on a salary of Rs. 600 and Rs. 300 respectively.

10 Superior Anglo-Vernacular schools<sup>7</sup> at district headquarters, 11 inferior Anglo-Vernacular schools at Tahsils, and

1. Home Dept., Ed. Progs., 15 April 1864, No. 15.
2. Education Despatch from the Secy. of State, No. 12 of 24 December 1863.
3. Home Dept., Ed. Progs., 6 July 1864, No. 1.
4. Ibid., 6 July 1864, No. 3.
5. Ibid., 6 July 1864 No. 1.
6. Ibid., August 1864, No. 21.
7. The Chief Commissioner reduced the number from 11 to 10 by excluding the Bahraich school, which he wanted to be maintained as an aided school. The school was maintained by the Raja of Kapoorthalla with the half of a grant-in-aid of Rs. 200 per month.

23 Vernacular Tahsili schools were to be established throughout the province. Village schools were to be opened as funds from the educational one percent cess became available under the regular settlement.<sup>1</sup>

The Normal school was confined to the training of teachers for Tahsil and village schools. The stipends of the village school teachers, while undergoing a course of training, was to be charged to the educational cess.<sup>2</sup>

The scheme also provided for grants-in-aid, school accommodation and a Book Department. Though, good school buildings had been built or were under construction from private subscriptions aided by grant from local funds, want of suitable school buildings at Tahsils was badly felt. To encourage the construction of school buildings, the rules in force in the North-Western Provinces, which required at least one third of the proposed expenditure to come from private sources, were adopted.

A sum of Rs 5,000 was allotted in the schedule of the educational establishments for purchase of books, etc. and the establishment of a Book Department in Lucknow to supply to several districts. A few books of reference, forming the nucleus of a library, and necessary maps were supplied free to the government schools. Books, stationery et-cetera, used by the pupils was, as a general rule, sold to them. The charge of the Book Department was held by one of the teachers of the Normal school, who received an allowance of Rs. 50 for the additional work.<sup>3</sup>

The total cost of the scheme, including grant-in-aid to the Canning College, was calculated by the Chief Commissioner at Rs. 140,752 for the year 1864-65, though the actual sum spent during that period amounted only to Rs. 124,403.<sup>4</sup>

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1. Avadh Administration Report, 1864-65, para 58.

2. Home Dept., Ed. Progs., 6 July 1864, No. 1

3. Ibid.

4. Avadh Administration Report, 1864-65, para 59.

### The Grant-in-aid System

It is not necessary to reiterate that the system of grant-in-aid was intended as the most effective means of extending the opportunities of education to the great mass of the people. It was envisaged that the system might, to a greater extent, take the place of government schools. But contrary to expectations, the rules framed by various government and administrations in India for the administration of grants-in-aid, instead of affording stimulus and encouragement, crippled the action of private parties. Even after the lapse of eight years, the amount of grants-in-aid bore, except in Bengal, a very small proportion to the direct expenditure of government on education. This glaring defect of the grant-in-aid system was specifically pointed out by the Church Missionary Society<sup>1</sup> in a memorandum submitted to the Secretary of State for India on 27 November 1863. The Church Missionary Society requested that more liberal rules allowing greater spontaneity of action should be framed for extending grants-in-aid. In consequence, the Secretary of State desired that the subject should be reconsidered and new rules reframed by the various governments with a view to making the system conducive to private enterprise in the establishment of schools.<sup>2</sup>

In Avadh also new rules, favourably suited to the local circumstances of the province, were framed for the administration of grants-in-aid.<sup>3</sup> The state of education in Avadh had so far afforded little opportunity of gaining experience of the working of the grant-in-aid rules. Only a few of the enlightened gentry had learned to appreciate them. Considering this fact, and the little advance made in education, the rules were made as simple and liberal as

1. Home Dept., Ed. Progs., 23 May 1864, No. 26 C.
2. Educational Despatch from the Secy. of State, 23 January 1864, No. 1.
3. Home Dept., Education Progs., November 1864, No. 30.

possible.<sup>1</sup> These rules were mostly derived from the new rules of Bengal and the late rules of the North Western Provinces and Avadh.<sup>2</sup> Under these rules, the local government granted aid in money, books, et-cetera, to any school under adequate local management which imparted a good secular education through the medium either of English or Vernacular.<sup>3</sup> In respect of any such school, for which application for aid was made, full information was required on the following points: (1) The pecuniary resources, permanent and temporary, on which the school was dependent, (2) the proposed monthly expenditure in detail, (3) the average number of pupils likely to be instructed, (4) the body responsible for the management, (5) the language and subjects included in the course of instruction, (6) the number and the salaries of the teachers, (7) the nature and amount of aid sought, (8) the number of other schools drawing aid within a distance of six miles.

Any school receiving the aid was amenable, with all its records, to inspection by any officer appointed by the government for that purpose. In the case of girls' schools, the inspection of the schools was not as a rule enforced. Generally, the government did not interfere with the actual management of the schools, thus aided, but withdrew its aid from any school against which there was unfavourable report for any considerable period by government Inspectors. In granting the aid, the government was always actuated by the principle that the effect of such aid was not the substitution of public or private expenditure, but the progress and improvement of education. The grants were given only to those schools in which at least two thirds of the students paid some fee. This rule did not apply to Normal and girls' schools. The grant allowed was not to exceed the expenditure defrayed by contribution from private persons and

1. Home Dept., Education Progs., September 1864, No. 27.

2. Ibid., No. 26.

3. Ibid., November 1864, No. 29.

bodies. It was awarded only on the principle of perfect religious neutrality.<sup>1</sup>

### **Supervising and Controlling Agency**

The supervision of the Education Department was placed under a Director of Public Instruction, who was assisted by a subordinate staff of Inspectors and Deputy Inspectors. Under the instructions of the Chief Commissioner, the Director of Public Instruction had full authority over all government schools. He was also the official inspector and reporter upon all aided institutions. Besides, he was the general adviser of the Chief Commissioner on educational matters.<sup>2</sup> The staff of Inspectors and Deputy Inspectors increased according to the educational development of the province. At the commencement of the educational operations in 1864, only one Inspector was considered sufficient as there was not much inspection work.<sup>3</sup> In 1866, owing to the development of schools, the second and senior Inspector was appointed.<sup>4</sup> For inspection purposes, the province was divided into two circles;<sup>5</sup> the Western Circle comprising Lucknow and Sitapur Divisions, and the Eastern Circle comprising Faizabad, and Rae Bareilly Divisions. The primary or village schools were inspected by the Deputy Inspectors, who were paid partly from the educational cess.<sup>6</sup> In 1873, the directing and supervising branch of the Education Department consisted of one Director, two Inspectors, one Deputy Inspectress and twelve Deputy Inspectors.<sup>7</sup> With a view to associating

1. Chief Commissioner's, Circular Order No. 91 of 1864, vide A Digest of the Chief Commissioner's Circular Order (Lucknow, 1875), p. 138.
2. Chief Commissioner's Circular Order No. 2 of 1864; vide A Digest of the Chief Commissioner's Circular Orders (Lucknow, 1875).
3. Home Dept., Education Progs., 6 July 1864, No. 1.
4. Avadh Administration Report, 1866-67, para 85.
5. Ibid., 1868-69, para 135.
6. Home Dept., Education Progs., 6 July 1864, No. 1.
7. Avadh Education Report, 1872-73, para 2.

government officials, as far as possible, with education and more so to enlist the cooperation of influential gentlemen, educational committees had been constituted for the management of the schools. These committees were of two kinds : District Educational Committees and School Committees. The District Educational Committee consisted of no less than 8 members presided over by the Commissioner of the Division. It included the Deputy Commissioner, Director of Public Instruction, Inspector of education and other important officials. The Committee held its meeting at least once a quarter and considered the internal management of the various schools in the district, the conduct of teachers, subscription funds and the extension of education among the masses.<sup>1</sup> By means of this Committee civil officers of the province were enabled to work in union with educational officers for the development of education.<sup>2</sup>

The school Committees were appointed by the District Committee for every government school and generally the members of these Committees were selected by the Deputy Commissioners. No school Committee consisted of less than 4 members. The Head Master of the school happened to be ex-officio Secretary of the school Committee. It held its meeting once a month for supervising the general management of the school. The principal object of the school Committee was to allow native gentlemen of the province to express their views regarding the state of education and thereby to popularise the spread of education.<sup>3</sup> The District Education Committees were superseded by the District Boards constituted under Act XIV of 1883, which came into force on 1 April 1885.<sup>4</sup>

1. Chief Commissioner's Circular Order No. 34 of 1872, vide A Digest of the Chief Commissioners Circular Orders (Lucknow, 1875), p. 132.
2. Avadh Administration Report, 1871-72, para 493.
3. Chief Commissioners Circular Order No. 34 of 1872, vide A Digest of the Chief Commissioners Circular Orders (Lucknow, 1875), p. 132.
4. Alfred Croft, *Review of Education in India in 1886*, Chapter III, Section II, para 113.

### Progress of Education

Avadh was practically without any organized educational system upto 1864. The Administration worked for education indirectly through grants-in-aid to schools which had been established by liberal subscriptions of the taluqdars and the enlightened gentry through the exertions of government officials. There had existed eight such schools of which five were called taluqdari schools and three were schools maintained by Christian Missionaries. Besides, there were about twenty tahsili schools maintained by fees, contributions and other local funds. The whole government expenditure on education did not exceed Rs. 12,00 per annum<sup>1</sup> It was in June 1864, that a planned educational system was adopted for the province of Avadh.<sup>2</sup> Handford, then the Head Master of the Martiniere College, Lucknow, was appointed Director of Public Instruction in Avadh. He assumed charge of his office on 6 January 1864,<sup>3</sup> to which may be traced the real beginning of a systematized educational administration in Avadh.

Handford was, immediately on assumption of office, directed to organize and establish Zila and Tahasili schools according to the sanctioned scheme. There were eleven higher class schools at the district headquarters, of which five had been established in 1863-64, and the remaining five<sup>4</sup> had been already in existence, though on a lower scale as private aided institutions. In May 1864, they were reorganized as government Zila schools.<sup>5</sup> The Zila schools were intended to educate pupils upto the standard prescribed for the Calcutta University Entrance Examination.

1. A. M. Monteath, *Notes on the State of Education in India*, 1865-66, para 20, vide Home Dept., Education Progs., June 1867, No. 39.
2. Avadh Administration Report, 1864-65, para 58.
3. Home Dept., Education Progs., 15 April 1864, No. 14.
4. These schools were at Sitapur, Hardoi, Faizabad, Gonda, and Pratapgarh; vide Avadh Administration Report, 1860-61, para 98.
5. Avadh Administration Report, 1864-65, para 60.



### Zila Schools

Education of the higher class being of very recent origin in Avadh, the higher classes of the Zila schools could not be started immediately. Only in two of these schools, namely, Faizabad and Unnao there were classes preparing students for the University Entrance Examination in 1865-66.<sup>1</sup> The course of study at Zila schools was graded into 8 classes beginning with the Vernacular alphabet and ending with the University Entrance Course. The classes were divided into three sections.<sup>2</sup>

Section	Classes included	Time occupied
Lower	VII to V	2 to 3 years
Middle	IV to II	3 years
Higher	I and Entrance	2 years

From 1 October 1870, the nomenclature of the classes was slightly changed. The Entrance class was now named class I, and the old classes from I to VII were numbered as II to VIII respectively.<sup>3</sup> The number of classes and pupils gradually became more than the sanctioned staff of teachers could teach. Consequently, with a view to relieving the central schools of the lowest classes and admitting a larger number of students, it was found essential during 1866-67 to open branch schools connected with several Zila schools.<sup>4</sup> The number of such branch schools rose to 22 by the year 1871-72.<sup>5</sup> Besides the government schools, several private schools of a superior order were opened in the province. In 1867, there were four private schools, of which three were Missionary institutions; American Mission School, Lucknow Church Mission School,

1. Home Dept., Education Progs., June 1867, No. 39.

2. Ibid, 30 October 1869, No. 10.

3. Ibid., 4 February 1871, No. 4.

4. Ibid., 1 August 1868, No. 22.

5. Ibid, May 1873, No. 78.

Lucknow, and Bahraich Mission School.<sup>1</sup> The private higher class schools were more popular than the government schools. An idea of it can be had from the average number of students in the private and government institutions, as is shown in the following table:—

Years	Number of schools	Number of students monthly average
1865-66	10 (Government)	1,339
	4 (Private)	959
1866-67	10 (Government)	1,364
	4 (Private)	1,107

The superiority of private schools over government Zila schools may be ascribed partly to the favourable situation of the institutions as they were established in the capital of the province, and partly to the adequacy of the teaching staff and proper management. The number of private schools rose to 8 in the year 1871.

### Canning College

The province of Avadh had no government college. The Canning College was the only college in the province. It was an aided institution for imparting education above Entrance Examination standard. Because of the backward state of education in the province, the college was in the beginning organized on the scale of a first class high school.<sup>2</sup> The High School Department of the college was opened on 1 May 1864.<sup>3</sup> in Aminabad Palace, which had been hired for that purpose. At the close of the year 1864-65, it had 399 pupils. As the college gained popularity, the number of students increased. In 1866, there were 518 students. Canning College was managed by a Committee with the Commissioner of the Division as its president. In 1876, it had five departments;

1. Avadh Administration Report, 1866-67.
2. Home Dept., Education Progs., 6 July 1864, No. 2.
3. Avadh Administration Report, 1865-66, para 55.

College, School, Oriental, Preparatory and Law. The income of the college was mainly derived from three sources : grant-in-aid, contribution from the taluqdars, and fees.<sup>1</sup> The roll of the college on 31 March 1877 consisted of 836 boys, of whom 85 were in the College Department, 152 in the Oriental Department, and 599 belonged to the High School Department.<sup>2</sup> The Canning College was by far the most useful and important institution of Avadh. The secret of its popularity and success lay in the fact that it had a stronger English staff than was generally found in any college, and that it was "unfettered with the prejudices which militate against the acceptance of missionary education," and was "native in origin without being native in character."<sup>3</sup> In the examination of the Calcutta University, the first batch of 23 from Avadh appeared in the year 1866 for the Entrance Examination, the highest number being 105 in 1876.<sup>4</sup> The results of the Entrance Examination were as follows:—

Years	Number of candidates appeared	Number of appeared who passed
1866	23	6
1867	17	15
1868	38	31
1869	32	20
1871	78	33
1876	105	60

### Middle Class or Tahsildari Schools

The sanctioned scheme of education for Avadh provided for the establishment of 34 government Tahsili schools, of

1. W. C. Bennett, *Oudh, Gazetteer*, Vol. II, p. 385.
2. North Western Provinces and Oudh Education Report, 1876-77, para 166.
3. *Ibid.*, para 165.
4. Parliamentary Papers, H.C., Vol. 57 of 1878, Paper No. 364, p. 90.

which 11 were contemplated to be Anglo-Vernacular, and 23 to be Vernacular schools; one Anglo-Vernacular, and two Vernacular schools to each district being the ordinary and maximum number.<sup>1</sup>

### (a) Anglo-Vernacular Schools

The Anglo-Vernacular schools occupied a middle position in between the Zila schools and the Vernacular middle and lower schools. In 1864, when the schools were reorganized, 7 Vernacular middle schools were converted into Anglo-Vernacular schools. In the following year Tahsili school at Nawabganj, Gonda was converted into an Anglo-Vernacular school, thus raising the total to 19.<sup>2</sup> At 11 schools establishments were maintained by the government; at the remaining 8 schools Vernacular establishment was paid by the government, and the English teachers were supported by subscriptions.<sup>3</sup> In November 1867, the school at Ram Nagar was added to this class of schools, half the salary of the English teacher being paid by the government and half by Sarbjit Singh, the taluqdar of the place.<sup>4</sup> In 1868, the total number of the Anglo-Vernacular schools was 19, as the school at Nanpara was reduced to a Vernacular school. The Anglo-Vernacular schools assumed less and less importance as the more promising pupils were absorbed by the Zila schools and consequently, their number gradually declined.

### (b) Vernacular Schools

Originally, there were 23 Vernacular Tahsili schools; but as 8 of them had been supplied with English teachers, their

1. Home Dept., Education Progs., 19 June 1863, No. 16.
2. Anglo Vernacular school had been established at the following stations :-  
Shahabad, Poorah, Bilgram, Jais, Rudauli, Tanda, Akbarpur, Mahmmda, Sandila, Hydergarh, Qurirabad, Inhonah, Biswa, Colonelganj, Salone, Atraula, Gola, Nanpara, Nawabganj. Vide Avadh Education Report, 1865-66, para 27.
3. Ibid., para 96.
4. Home Dept., Education Progs., 1 August 1868 No. 22.

number was reduced to 15.<sup>1</sup> The course of studies at these schools, beginning with alphabet, included reading, writing, Arithmetic, mensuration, Indian history, Geography, Grammar and elements of Geometry and Algebra.<sup>2</sup> The Vernacular Middle schools really deserved greater encouragement than the schools imparting English education, because they were types of that class of schools by which the great mass of the people could be instructed.<sup>3</sup> But, much less attention was paid to these schools, particularly by the municipalities. In 1868, there were 29 schools of this class. In 1870, the number rose to 26, because of the two Anglo-Vernacular schools of Nanpara and Bangermow having been reduced and 4 cess schools of lower grade having been raised to this class.<sup>4</sup> Besides the government Vernacular Tahsili schools, several schools were established by private subscriptions with the help of grants-in-aid. The number of such private institutions, Vernacular and Anglo-Vernacular was 24 in 1869. Thus, in 1875-76 there were 52 Vernacular and 31 Anglo-Vernacular Middle schools, both government and private, with 8,569 pupils on the rolls.<sup>5</sup>

### Village Schools

The levy of a compulsory rate as the best means of providing funds for elementary instruction for the masses having been accepted as part of the educational principles, the sanctioned scheme of education in Avadh proposed to establish village schools, as soon as the educational cess rendered

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1. These schools were situated at : Dalmow, Misrick, Mulliabad Model Schol, Lucknow, Behar (Pratapgarh) Puttee, Koarsi, Nagore Jagdishpur, Ramnagar, Chamrauli, Suffipur, Bari, Amethi, Behar (Rae Bareilly). Vide Avadh Education Report, 1865-66, para 39.
  2. Ibid., para 35.
  3. Home Dept, Education Progs., 30 October 1869 No. 10.
  4. Ibid., 4 February 1871, No. 4.
  5. Avadh Administration Report, 1875-76.

the fund available in each district. The educational cess was devoted to the establishment of village schools and the training of village teachers exclusively. In 1865, for the first time, 61 village schools were opened in the district of Unnao. The studies in the village schools included besides the alphabet, reading, writing, dictation, grammar, the ordinary rules of Arithmetic upto fractions, the elements of mensuration, and an outline of Geography and Indian History. Private enterprise also contributed to the expansion of elementary education. The private schools of the lower class considerably increased during the period. Their number increased from 26 in 1864 to 36 in 1866. Of 36 schools, 10 were village schools supported by the Maharaja of Balrampur on his estate.<sup>1</sup> As the regular settlement operations advanced, the number of village schools multiplied. Handford in his report for the year 1866-67 made a very encouraging statement that when the cess was fully levied, the Administration would be able "to place a school under a well trained and fairly paid teacher within two and a half miles of every child in the province."<sup>2</sup> Gradually, the cess village schools increased from 264 in 1867<sup>3</sup> to 542 in 1869-70.<sup>4</sup> In 1871 grants-in-aid equal in amount to the sums subscribed by certain municipalities were sanctioned for the extension within municipal limits, and the rule that the imperial contribution should not exceed one third of the whole expenditure, was relaxed for encouraging the introduction in Avadh of the system of municipal contribution for primary education, a great want which had been long felt by the Administration.<sup>5</sup> Thereafter, Primary

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1. Avadh Education Report, 1865-66, para 65.

2. Avadh Administration Report, 1866-67. Quoted by A. P. Howell in "A Note on the State of Education in India during 1866-67, para 49.

3. Avadh Education Report, 1867-68, para 42.

4. Home Dept., Education Progs., 4 February 1871, No. 4.

5. Ibid., 14 January 1871, No. 8.

schools were opened by several municipalities throughout Avadh and their number reached 112 in 1873-74. Thus, the total number of primary schools of all kinds, government aided, and unaided, in 1876 was 1216.<sup>1</sup>

### Female Education

The Government of India on political consideration deprecated the policy of governmental initiative in the matter of female education. It anticipated promotion of female education through native initiative and cooperation. Accordingly, the scheme of education contained no specific provision for the establishment of girls' schools in Avadh except through the system of grants-in-aid. In the absence of such a measure Missionary societies were the only agencies in the beginning to work for the spread of female education. The Missionary societies, in fact, did render a great service by marking a beginning in such an important field as female education. There were 11 private female schools in 1866, and all of them were in the city of Lucknow.<sup>2</sup> One of them Lucknow Girls' School opened in 1860<sup>3</sup> was exclusively for European and Eurasian girls. Of the 10 schools for the Indian girls, 5 were connected with the Church Mission Society, and 5 with the American Mission. The girls' schools were regularly visited by the ladies of the two missions, and instruction was given in reading, writing, Arithmetic and plain needle work.<sup>4</sup> The schools continued, although not very satisfactorily. A host of deep rooted social and semi-religious prejudices combined with general ignorance about the virtues of education presented the greatest obstacle in the progress of female education. To overcome these obstacles was a task of the greatest magnitude which required perseverance and patience. The Hindu and Mohammedan ideal of

1. Avadh Administration Report, 1875-76.

2. Avadh Education Report, 1865-66, para 67.

3. Home Dept Education Progs, 6 November 1861, No. 19.

4. Ibid., June 1867, No. 39.

female life was one of domestic duty and seclusion. The higher classes of society, therefore, were most reluctant, rather opposed, to allow their ladies to come out of their apartments. Thus, those who attended the schools mostly belonged to the poor class. In one school, under the superintendence of Mrs. Reuther of the Church Mission Society, the girls were paid one pie a day as compensation for what they could have earned if they had not attended the schools. In two schools at least, arrangements had to be made for palanquins to bring the girls to the school and to take them home again because they were mostly *purda nusheen*.<sup>1</sup> Notwithstanding the obstacles in the promotion of female education, its importance could not be ignored. Handford, the Director of Public Instruction emphasised that social harmony could be maintained only by educating both sections of society—male and female. Educating males only was likely to result into positive injury of creating a gulf between them and their female relatives.<sup>2</sup> The Government of India, in July, 1867, sanctioned a scheme for promoting female education in Avadh. The scheme was experimental in nature, and was accordingly sanctioned in the first instance for one year. It provided for the establishment of one Normal school for females at the cost of Rs. 120 per mensem, 6 ordinary schools at Rs. 25 each, and 11 ordinary schools at Rs. 10 each per mensem, thus, costing the government a sum of Rs. 380 per mensem.<sup>3</sup> Within one year, the total number of girls' schools increased to 37, containing 773 pupils, of which 27 with 463 pupils were in government institutions. During this short period, it also became clear that only a few persons in the province desired education for their females, and that a large number would accept it, if offered, though they were not very anxious to obtain it. But the higher classes, especially Mahomedans were opposed to female education and would not

1. Home Dept., Education Progs., January 1865, No. 4.

2. Ibid., 31 October 1868, No. 3.

3. Ibid.



allow their own females to receive instruction.<sup>1</sup> Handford, believing that the people in Avadh would of themselves never take the initiative, asked for more funds for the promotion of female education.

The first requirement in this field was whether good female teachers were available. Miss Mary Carpenter, in her Memorandum on *Female Education in India* emphasised that the present condition of female education in India could be improved solely by the introduction of female teachers and these could be improved solely by the establishment of a female Normal Training school.<sup>2</sup> Handford, therefore, proposed to open a second Normal school for Hindu women because Hindu female teachers had refused to attend the Normal school on the ground that they could not associate with Mahommedans. He also proposed to maintain 16 superior schools and 24 lower schools for girls. Besides these 40 schools, he expected to open in each district three or four schools chargeable to the cess as the opportunity arose. Moreover, he recommended Miss Reuther for appointment as Inspectress to supervise the schools. She possessed a good working knowledge of Urdu and had some experience in Indian female education.<sup>3</sup> The Government of India did not sanction funds for additional schools on the ground that the proposals originated entirely from the Director of Public Instruction and that there was neither public initiative nor public cooperation. The Government of India did not wish to be the sole and only responsible agent in the movement.<sup>4</sup> In the absence of more funds, the officials in Avadh, wherever possible, cooperated with the Christian Missionaries in the spread of female education. As a result, the number of girls' schools increased slowly in the province. In the field

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1. Home Dept., Education Progs., 7 May 1870, No. 18.

2. Ibid., August 1867, No. 9.

3. Ibid., 31 October 1868, No. 3.

4. Ibid., No. 4.

of female education, the services of the Lucknow Zenana Mission<sup>1</sup> were noteworthy. Miss Hamilton, Superintendent of the Mission and her two assistants endeavoured to promote literacy by teaching Indian females in *Zenana* to which they could obtain access. In 1872, they had access to 88 families and taught 177 pupils.<sup>2</sup> The number of girls' schools of all kinds increased to 95 in 1876 with 2,711 pupils on rolls.<sup>3</sup>

Thus, the number of schools, aided, unaided, and government, and of all grades in Avadh, excluding the indigenous schools, in 1875-76 was 1,420 with 65,211 scholars on the rolls.<sup>4</sup> Of these 1,420 schools, 1,357 were managed by the State;<sup>5</sup> 44 were aided and inspected; and 19 were neither aided nor managed by the State. The supervising and controlling agency of education consisted of one Director of Public Instruction, two Inspectors, 12 Deputy Inspectors,<sup>6</sup> and one Deputy Inspectress, and the total government expenditure on public instruction from local and provincial sources amounted to Rs. 542,617.<sup>7</sup>

Although the object of Handford, the first Director of Public Instruction in Avadh, "to place a good elementary school under a well-trained and fairly paid teacher within 2½ miles of every child" remained still to be realized,<sup>8</sup> yet

1. The 'Lucknow Zenana Mission Society' was a branch of the Indian Female Normal School and Instruction Society, Calcutta.
2. Avadh Education Report, 1872-73, para 238.
3. Ibid., 1875-76.
4. See Appendix VIII.
5. Avadh Administration Report, 1875-76.
6. Avadh Education Report, 1872-73, para 2.
7. North-Western Provinces and Avadh Education Report, 1876-77, para 4.
8. In 1873, the percentage of children under primary instruction to the population in the four provinces: North-Western Provinces, Punjab, Central Provinces, and Avadh was as follows:—
 

N. W. P.	...	.47
Punjab	...	.27
C. P.	...	.50
Avadh	...	.29

Vide Home Dept., Education Progs., February 1876, No. 29.

in higher education, Avadh showed a marked superiority over the neighbouring and older province of the North-Western Provinces.<sup>1</sup> The province of Avadh, with a population of 470 to the square mile, had a High School for every 1,260 square miles, while there was only one such school for every 1,700 square miles in the North-Western Provinces with a population of 378 to the square mile.<sup>2</sup> Thus, it may fairly be concluded that progress of education in Avadh, under British rule, was quite satisfactory.

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1. North-Western Provinces and Avadh Education Report, 1876-77, para 19.
  2. Haji Abbas Ali Darogha, *An Illustrated Historical Album of the Rajas and Taluqdars of Oudh* (Allahabad, 1880), p. 22.

## CHAPTER VII

### PUBLIC WORKS

The importance of organising a definite system of public works was first recognized during British rule by the government of Lord Dalhousie. A separate department of public works was set up in 1854. Since then considerable progress was made in the construction of railways, roads, and other welfare works.<sup>1</sup> The revolt of 1857 underlined the necessity of improved means of communication<sup>2</sup> with the result that when peace was restored the construction of such works was stepped up. In the province of Avadh particularly, there was pressing need as the administration was confronted with the problem of providing immediate employment to those large bodies of men who, after armed revolt, had finally submitted to British rule. Consequently, the schemes of public works were undertaken in Avadh more as "a matter of political necessity affecting the tranquility and well being of the country" than as an expediency of military and economic development.<sup>3</sup>

#### (i) Railways

The project of railway construction in India, though mooted in the eighteen forties,<sup>4</sup> was not undertaken seriously until the arrival of Lord Dalhousie who started it on a scale "commensurate to the great political and commercial interests," and "the vast extent of the territories" under the

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1. Chesney, *Indian Polity* (London, 1894), pp. 276-77; Eric Stokes, *The English Utilitarians and India* (Oxford, 1859), p. 251.
  2. Strachey, *India : Its Administration and Progress* (London, 1911), p. 234.
  3. Public Works Department, *Communication Proceedings*, 18 February 1859, No. 18.
  4. V. Anstey, *Economic Development of India* (London, 1931), p. 130.

British Government.<sup>1</sup> In Avadh preliminary surveys for the construction of rail-roads were undertaken in 1859,<sup>2</sup> and a project was put forward by the Avadh Railway Company which was a private Company to construct a line from Lucknow to Kanpur without any government guarantee.<sup>3</sup> The Company soon gave up the idea of constructing the railway line for lack of funds, and resigned its offer in favour of Palmer,<sup>4</sup> who also abandoned the enterprise.<sup>5</sup> The next offer came from Wilson<sup>6</sup> on behalf of the Indian Branch Railway Company,<sup>7</sup> and an agreement was reached in 1864 by the government for the construction of the following lines—

(1) A main line from the East Indian Railway at Buxar through Azamgarh, Sitapur, Shahjahanpur, Bareilly, and Moradabad to some point at the Lahore and Delhi line near Saharanpur.

(2) A line from the main line near Khurja or Aligarh to the foot of the hills near Naintital.

(3) A branch line from the main line to Faizabad.

(4) A line from Kanpur to Lucknow crossing the main line at Nawabganj and going on to Bahramghat, and

(5) An additional branch from Banaras through Jaunpur to the Avadh main line.<sup>8</sup>

The total length of the proposed lines was about 800 miles. The Indian Branch Railway Company undertook to construct all its lines on a 'standard gauge of 5 feet 6 inches.

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1. Minute by Lord Dalhousie, dated 28 February 1856; vide Ramsay Muir, *Making of British India*, p. 366.

2. Avadh Administration Report, 1859-60, para 107.

3. Ibid, 1860-61, para 112.

4. Palmer was the Agent of the Oudh Railway Company.

5. Avadh Administration Report, 1861-62, para 66.

6. Wilson was the Agent of the Indian Branch Railway Company.

7. Railway Despatch to the Secretary of State, 12 April 1864, No. 29.

8. P. W. D., Railways Progs., August 1864 No: 59; P. W. D., Miscellaneous Progs., March 1865, No. 16.

The Government of India, instead of extending the system of guarantee, bound itself to pay an annual subsidy of £100 a mile for 20 years and an additional £100 for the same period on every £10,000 spent on the construction of larger bridges estimated to cost more than £10,000 each.<sup>1</sup> To expedite the prosecution of the work, a consulting engineer was appointed<sup>2</sup> and the construction of the line on 42 miles between Lucknow and Kanpur upto the Avadh bank of the river Ganga was commenced.<sup>3</sup> This line was completed in 1866<sup>4</sup> at a cost of Rs. 2,274,033.<sup>5</sup> Next year it was opened on 23 April for public traffic.<sup>6</sup> In 1867, the benefit of guarantee system<sup>7</sup> was accorded to the Indian Branch Railway Company.<sup>8</sup> A fresh contract was entered into with the Secretary of State for the construction of 672 miles of railway lines in the territories of Avadh and Rohilkhand. The lines approved for construction were : main line from Buxar through Lucknow, Shahjahanpur to Moradabad, 430 miles; Banaras and Jaunpur branch, 76 miles; Faizabad branch, 14 miles; Nainital branch, 71 miles; and Kanpur and Bahramghat branches joining at Lucknow, 81 miles. Of 672 miles of lines, 331 miles were to pass through Avadh, and

1. Railway Despatch to the Secretary of State, 12 April 1864, No. 29.
2. P. W. D. Miscellaneous Progs., March 1865, No. 16.
3. Ibid., October 1866, No. 9.
4. Avadh Administration Report, 1866-67.
5. P. W. D., Railways Progs., July 1870, No. 186.
6. Ibid., No. 186; District Gazetteer of the United Provinces, Lucknow (H. R. Nevill, Lucknow, 1922), Vol. XXXVIII, p. 54.
7. Under this system the Government of India guaranteed annual interests on the capital outlay at a rate varying between 4½ and 5 percent in accordance with the money market conditions prevailing at that time. In return, it had the right of controlling expenditure and operations, and of purchasing the line at the expiry of the contract. Vide V. Anstey, *The Economic Development of India*, p. 131.
8. P. W. D., Railways Progs., October, 1867, No. 145.

341 miles through the North-Western Provinces.<sup>1</sup> The designation of the Company was also changed from the "Indian Branch Railway" to the "Oudh And Rohilkhand Railway Company."<sup>2</sup> The scheme of construction was to start with laying railway track between Lucknow and Bahramghat via Dilsarai; and from Dilsarai to Banaras via Shahganj and Jaunpur with a branch line connecting Faizabad with Shahganj.<sup>3</sup> In 1868, there was some discussion on the judiciousness of the alignment proposed for the Company system which served the principal towns of Avadh—Lucknow and Faizabad—by branch lines alone. Davies, the then Chief Commissioner of the province, proposed a modification and insisted on carrying the main line through Faizabad and Lucknow.<sup>4</sup> The Government of India agreed to the proposal to change the direction and carry the main line through Lucknow, Faizabad and Jaunpur to Banaras.<sup>5</sup>

The permanent way on the Kanpur-Lucknow line consisted of rails 36 pounds to a yard. As this system of lines proved too light even for small traffic and worked at a slow speed,<sup>6</sup> a committee with Colonel Strachey at its head was appointed in 1867 to recommend a suitable system of construction of permanent way.<sup>7</sup> The Committee, however, could not arrive at any conclusion as the lines which had been opened only six months back and had not been sufficiently tried to enable an opinion to be formed.<sup>8</sup> In early 1868, the Consulting Engineer, Hovenden again inspected the

1. P. W. D., Railways Progs., October 1867, No. 147.
2. Ibid., December 1867, No. 163.
3. Avadh Administration Report, 1867-68, para 118.
4. Ibid., 1868-69, para 141.
5. P. W. D., Railways Progs., October 1868, No. 223; P. W. D., Railways Progs., August 1869, No. 46.
6. The maximum speed of the trains on this line was  $16\frac{4}{5}$  miles per hour. Vide P. W. D., Railways Progs., May 1871, No. 93.
7. P. W. D., Railways Progs., November 1867, No. 75.
8. Ibid., April 1868, No. 25. A.

rails.<sup>1</sup> It was discovered that with one year's traffic nearly 19 percent of the rails had been damaged.<sup>2</sup> In these circumstances, it was decided to adopt a different system of permanent way consisting of heavier rails weighing 60 pounds to a yard.<sup>3</sup>

The affairs of the Oudh and Rohilkhand Railway Company in India were managed by an Agent with his headquarters at Lucknow. Governmental supervision was exercised through a Consulting Engineer under the orders of the Chief Commissioner of Avadh.<sup>4</sup> In the beginning the Chief Commissioner of Avadh was responsible for the entire conduct of business with the Railway Company,<sup>5</sup> even though more than half the length of the projected lines were to run through the territories of the North-Western Provinces.<sup>6</sup> As the years rolled by, growing complications of the railway management and the increasing financial receipts of the Railway Company rendered the existing system of control less conducive to good administration. From 10 October 1871, therefore, the control over the guaranteed railways was transferred from the local government to the Government of India.<sup>7</sup>

1. Avadh Administration Report, 1868-69, para 143.
2. P. W. D., Railway Progs., August 1869, No. 46.
3. Ibid., July 1870, No. 186.
4. Ibid., July 1870, No. 186.
5. Ibid., October, 1868, No. 147.
6. To achieve unity of control over the whole affairs of anyone railway Company, it was found essential that executive supervision should be placed in the hands of one local government. Thus, out of 2,742 miles of guaranteed railways opened or in progress in Bengal and the North-Western Provinces, Avadh, and the Punjab 1,153 miles were controlled by other governments than those of the territories in which they were laid, Vide P. W. D., Railways Progs., May 1871, No. 89.
7. P. W. D., Guaranteed Railways, General Progs., October 1871, No. 25; P. W. D., Guaranteed Railways (O & R.) Railways Progs., November 1872, No. 20.



Since the system of lines had been finally determined, the construction work was prosecuted at a rapid speed. On 1 February 1872, a new length of 30 miles from Lucknow to Sandila was opened for traffic.<sup>1</sup> The year 1872 was most notable in this respect as section after section of railway lines was completed,<sup>2</sup> and almost all principal marts and grain emporiums throughout Avadh were linked by rail-roads. Out of a total length of 332 miles, thus, opened to public traffic by 31 March 1872, 245 miles of railway lines passed through the province of Avadh.<sup>3</sup> With the completion of the Ganga bridge at Kanpur, the short length of line connecting the Oudh and Rohilkhand Railway with the East Indian Railway was also opened for traffic on 15 July 1875.<sup>4</sup> Thus, by the end of the year 1875, the system of lines sanctioned for construction by the Oudh and Rohilkhand Railway had been almost completed.<sup>5</sup>

On the Oudh and Rohilkhand lines usually two trains, one either way, were run daily. These trains served the passengers, and carried the goods. Special trains, however, were run occasionally to forward railway materials.<sup>6</sup> The Railway Company charged fare at the rate of 18 pies per mile for first class, 9 pies per mile for second class, and 3

1. P. W. D., Guaranteed Railways (O & R) Railways Progs., November, 1872, No. 20.
2. During the year 1872, the following lines were opened: Nawabganj to Lucknow, 18 miles, opened on 1 April, 1872. Sandila to Hardoi, 33 miles opened on 15 July 1872. Chandausi to Moradabad, 27 miles, opened on 28 October 1872. Faizabad to Nawabganj, 62 miles, opened on 24 November 1872. Nawabganj to Bahramghat, 21 miles, opened on 20 November 1872. Bahramghat to Chandausi, 30 miles, opened on 28 October 1872. Hardoi to Shahjahanpur, 39 miles, opened on 1 March 1873. Vide P. W. D., Guaranteed Railways Progs., January 1874, No. 22.
3. P. W. D., Guaranteed Railways Progs., January 1874, No. 22.
4. P. W. D., Railways Progs., October 1876, No. 97-99.
5. Ibid., No. 97.
6. P. W. D., Guaranteed Railways (O & R) Railways Progs., November 1872, No 20

pies per mile for third class carriages.<sup>1</sup> The Government of India considered that the rate of 3 pies per mile for the lowest class passengers was high for this country, where nearly 60 percent of the people did not earn more than Rs. 5 per month.<sup>2</sup> Accordingly, a lower rate of 2 pies per mile was introduced from 1 May 1868.<sup>3</sup> An intermediate class was also introduced from 1 December 1868 in the trains running on these lines.<sup>4</sup> The reduction in the lowest class fare was a judicious step taken by the government, and it had encouraging results. Within one year, the number of passengers increased by 79 percent, and the Company's receipts, notwithstanding the decrease of 50 percent in the fare, exhibited an increase of 9 percent.<sup>5</sup> By 1877, the Oudh and Rohilkhand Railway Company began to earn about half of the guaranteed interest upon its capital.<sup>6</sup> Although the railway system was still in a formative stage and almost deficient in the provision of essential comforts, it vigorously stimulated the growth of economic resources in the province of Avadh.

## (ii) Roads

A developed system of transport is always a great political and military asset. Before the advent of British rule in Avadh, transport facilities were few and far between. Shuja-ud-daula had constructed a good unmetalled road from Lucknow to Faizabad. Besides, there were a few other roads which radiated from Lucknow and linked it with Mohan, Hardoi, Rae Bareli and Sitapur. Subsequently, King Wajid Ali Shah constructed a road from Lucknow to

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1. P. W. D., Guaranteed Railways (O & R) Railways Progs., March 1868, No. 153.
  2. Ibid., August 1878, No. 101.
  3. P. W. D., Railways Progs., March 1868, No. 154.
  4. Ibid., December 1868, No. 83-84.
  5. Ibid., August 1869, No. 46.
  6. Ibid., April 1877, No. 1

Kanpur.<sup>1</sup> It may be presumed that there must have been some more roads but nothing can be said about them with certainty in the absence of documentary evidence.<sup>2</sup> After the annexation in 1856, the Chief Commissioner envisaged a scheme for the construction of first class roads<sup>3</sup> linking Lucknow with Faizabad, Bahramghat, and "Singaramau on the Jaunpur boundary."<sup>4</sup> As soon as the great revolt of 1857 subsided, the Avadh Administration gave top priority to the improvement of internal communications both military and commercial; and this work was taken up even before the civil administration had been extended over the entire province.<sup>5</sup> The scheme of renovation was, first of all, started on Lucknow-Kanpur Road. It was an Imperial high way of strategic importance. During the revolt, it had been damaged on account of enormous traffic, and rendered impassable at many points.<sup>6</sup> It was repaired and metalled in 1859.<sup>7</sup> Almost simultaneously, the scheme of improving other roads was also undertaken. In January 1859, the Government of India sanctioned an expenditure of Rs. 101, 400 for the repairs of the following roads:—

- (1) Kukrail bridge near Lucknow to Faizabad—81 miles.
- (2) Nawabganj to Bahramghat—21 miles.
- (3) Lucknow to Sitapur—60 miles.
- (4) Lucknow to Rae Bareilly—44 miles.

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1. District Gazetteer of the United Provinces (Lucknow, 1922) Vol. XXXVII, p. 58.

2. Ibid., (1923), Vol. XL, p. 46.

3. Since the records of the public offices were destroyed in the mutiny there is very little information regarding the construction of roads in pre-mutiny period. Vide P. W. D., Cons., 6 August 1858, No. 264.

4. P. W. D., Cons., 18 February 1859, No. 18.

5. Ibid., No. 18.

6. P. W. D., Civil Work-Communications Cons., 23 July 1858, No. 213.

7. District Gazetteer of the United Provinces, (Lucknow, 1922) Vol. XXXVII, p. 58.

(5) Lucknow to Sultanpur—52 miles, and

(6) Faizabad to Allahabad—80 miles.

Apart from this sum, an outlay of Rs. 10,00,00 was also sanctioned for the construction and repairs of district roads in Avadh,<sup>1</sup> which was apportioned as grant-in-aid for the following district roads<sup>2</sup> :—

- (1) Lakhimpur to Shahjahanpur via Mahomdee.
- (2) Bahramghat to Sitapur via Biswa.
- (3) Lucknow to Shahabad, via, Sandila and Hardoi.
- (4) Nanpara to Bahramghat via Bahraich.
- (5) Gonda to Bahramghat via Sikraura.
- (6) Faizabad to Rae Bareli.
- (7) Rae Bareli to Pratapgarh and Jaunpur, and
- (8) Lucknow to Sultanpur.

The opening of the internal communication of the province registered a speedy progress. During 1860-61, no less than 887 miles of road were repaired, and 910 miles of new road were constructed. Towards the total cost on this project a sum of Rs. 102,254 was spent from the local road and ferry fund.<sup>3</sup> Thus, within a few years, the province of Avadh was admirably supplied with roads of various classes.<sup>4</sup> Of the numerous roads brought under construction after the great revolt, the following were metalled ones :—

1. P. W. D., Civil Works, Communications, 18 February 1859, No. 18.
2. Avadh Administration Report, 1860-61, para 106.
3. Ibid., para 114.
4. The roads were classified under two categories : Imperial and District. Imperial roads were financed by the Government of India from imperial funds whereas district roads were constructed from local funds. The district roads were again divided into five classes; first class roads metalled, bridged and drained throughout; second class roads unmetalled bridged and drained throughout; third class roads unmetalled, partially bridged and drained; fourth class roads raised, banked but noturfaced, partially bridged and drained and the fifth class roads cleared only.

Allahabad-Faizabad Road—72 miles of this road lay within the territory of Avadh. Its construction started in 1860.<sup>1</sup> The estimated cost of constructing the portion falling within the province of Avadh was Rs. 363,435.<sup>2</sup> With the exception of large bridges it was completed in 1864.<sup>3</sup>

Lucknow-Faizabad Road—on the 78 miles long<sup>4</sup> Lucknow-Faizabad road, some earth work covering a length of 29 miles had been executed in April 1857, in the time of Jackson, who had started the work in anticipation of government sanction,<sup>5</sup> but it is obvious that further progress could not be made due to the outbreak of the revolt. After the hostilities subsided, the metalling of this important road, starting from the Iron Bridge (Lucknow) and passing through Chinhath, Nawabganj, Safdarganj, Durriabad and Mohammedpur on to Faizabad was commenced in March 1861, with a view to developing it as a main artery of communication.<sup>6</sup> But for the gap of a bridge over river Kalliani, the whole length of the road was completed as a first class metalled one by the end of 1863.<sup>7</sup>

Lucknow-Bahramghat Road—the new line of this road was nearly the older one except for slight deviations. This line originated from Nawabganj on the Lucknow-Faizabad road, and covered a length of 23 miles. It was also completed in 1863.<sup>8</sup>

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1. P. W. D., Civil Works, Communications Progs., July 1861, No. 35.
  2. Ibid No. 36.
  3. P. W. D., Civil Works, Miscellaneous Progs., October 1866, No. 9.
  4. Progress Report of Public Works in India for 1862-63. Vide Appendix to P. W. D., Miscellaneous Progs., April 1864.
  5. P. W. D., Communications Progs., 18 February 1859, No. 18.
  6. Avadh Administration Report, 1861-62, para 64.
  7. P. W. D., Civil Works, Communications Progs., November 1863, No. 2.
  8. Ibid., March 1865, No. 16.

Bahramghat-Bahraich Road—originally projected in 1856-57, this road was actually laid out early in 1865.<sup>1</sup> In August 1865, the Government of India approved it as one of the roads to be made and maintained from the imperial funds.<sup>2</sup> Very little progress was achieved in the project.<sup>3</sup> However, in December 1867 the government sanctioned a sum of Rs. 350,040.<sup>4</sup>

Faizabad-Gonda Road—this road, 28 miles in length, was completed in 1863.<sup>5</sup> Gonda was also connected with the high road from Gorakhpur to Faizabad.

Rae Bareli-Dalmau Road—17 miles in length,<sup>6</sup> this road was undertaken for metalling during the year 1861-62,<sup>7</sup> and was completed in 1863.<sup>8</sup>

Lucknow-Rae Bareli Road—originally commenced from the imperial funds,<sup>9</sup> this road, 45 miles in length, was transferred to local funds.<sup>10</sup> But little progress could be made on this line of road owing to paucity of local funds. Subsequently, on the proposal of the Chief Commissioner<sup>11</sup> it was sanctioned in 1865 to be completed from the imperial funds.<sup>12</sup>

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1. Avadh Administration Report, 186-67, para 146.
  2. P. W. D., Civil Works, Communications Progs., March 1867, No 37.
  3. Ibid., No. 38.
  4. P. W. D., Civil Works, Communications Progs., November 1863, No. 1.
  5. Ibid., No. 1.
  6. District Gazetteers of the United Provinces (Lucknow, 1924), Vol. XXXIX, Rae Bareli, p. 49.
  7. Avadh Administration Report, 1861-62, para 64.
  8. P. W. D., Civil Works, Communications Progs., November 1863, No. 1.
  9. Ibid., 18 February 1856, No. 18.
  10. Progress Report of Public Works in India for 1862-63. Vide Appendix to P. W. D., Civil Works Miscellaneous Progs., April 1864.
  11. P. W. D., Civil Works, Communications Progs., September 1863, No. 44.
  12. P. W. D., Civil Works, Communication Progs., September 1868 No. 55.

Besides the above roads, covering an aggregate length of 218 miles, construction of Lucknow-Sitapur road was taken in hand in 1864 at an estimated cost of Rs. 264, 858.<sup>1</sup> In the same year, a road from Bahraich to Sitapur through Biswa was also proposed. Its proposal originated with George Tucker, Commissioner of the Khairabad Division, who proposed to defray the cost of its construction from the local funds. The object of this road was to afford good communication between the northern part of the trans-Ghagra districts and western Avadh and the North-Western Provinces. Subsequently, it was found that the expenditure involved in the project was too heavy a burden on the local funds, and it was, therefore, proposed to construct the road from the imperial funds.<sup>2</sup> As Sitapur was already connected with Biswa by a district road, it was decided to construct a first class metalled road from Bahraich to Biswa.<sup>3</sup>

In 1865, the Government of India recognized six roads, stretching upto 340 miles, as Imperial roads<sup>4</sup> in Avadh. It also sanctioned an annual grant of one lakh and fifty thousand for their maintenance.<sup>5</sup> Thereafter, Sitapur-Shahjahanpur<sup>6</sup> Road and Bahramghat-Bahraich<sup>7</sup> Road

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1. P. W. D., Civil Works, Communication Progs., December 1864, No. 45.

2. Ibid., No. 6.

3. Ibid., September 1868. No. 55.

4. A road was accepted as an Imperial road only "when the converging lines of commerce united to form one line of great importance, and when the line is also a chief one for military reasons." Vide P. W. D., Civil Works, Communications Progs., August 1865, No. 35.

5. P. W. D., Civil Works, Communications Progs., May 1866, No. 1.

6. Ibid., September 1868, No. 23.

7. Ibid., August 1865 No. 35.

were constructed as Imperial roads; and 16½ miles of the Faizabad-Allahabad<sup>1</sup> Road was transferred to Avadh from the North-Western Provinces. It was suggested by the Avadh Administration that in order to augment the resources to meet the increased cost of the road maintenance tolls might be levied on the line of the Lucknow-Kanpur Road,<sup>2</sup> but the Government of India declined to accord its approval to such proposal. However, as sufficient funds were not available locally, the Government of India increased its annual grant.<sup>3</sup> The planting of trees was undertaken along the lines of Imperial roads, and by 1866, avenues of trees had been planted along 131 miles of the length of Imperial roads<sup>4</sup> On the remaining 200 miles of Imperial roads, the plantation of trees was to be completed by 1869-70.<sup>5</sup>

Besides the construction of Imperial roads, tremendous progress was made in the development of district roads. It is not necessary to give a detailed account of the various kinds of roads built during this period from the local funds. It may, however, be noted that the total grant for the prosecution of communication works in Avadh between 1864 and 1869 amounted to £354,405.<sup>6</sup> When the net of railway lines was extended sufficiently over the province, it became desirable, rather essential, to construct roads in such a manner as to feed the requirements of the railway system.<sup>7</sup>

1. P. W. D., Civil Works, Communication Progs., December 1867, No. 33.
2. Ibid., September 1868, No. 23.
3. Ibid., No. 24.
4. Avadh Administration Report, 1866-67, para 149.
5. P. W. D., Civil Works, Communications Progs., August 1866, No. 18.
6. Appendix No. 1. Vide P. W. D., Accounts Progs., April 1869, No. 32.
7. Imperial Gazetteer (Oxford, 1907), Vol. III, Chapter VII, p. 406.



The progress in the development of road communication was further accelerated after the decentralization of finances when finance and administration were partially localized and made over to the different provincial governments.<sup>1</sup>

The above facts lead to an obvious conclusion that an admirable progress was made in the development of road transport in the province of Avadh.

### (iii) Post Office

Postal communication is now so advanced and common that its actual operations two hundred years ago can scarcely be imagined. The organization of the Indian Post Office system on its present footing commenced with the enactment of Act XVII of 1854.<sup>2</sup> In 1856, the Postmaster-General of the North-Western Provinces Circle was entrusted with the responsibility of establishing and supervising post offices in Avadh. The Financial Commissioner of Avadh proposed in 1856 a levy of a quarter percent cess on the land revenue to meet the cost of the post office establishments and payment to the dak-runners<sup>3</sup> The suggestion, however, did not find favour with the Government of India on the ground that the levy of such a cess was politically inexpedient and was likely to confuse the accounts.<sup>4</sup> On the reoccupation of the province in 1858, the establishment of post offices was commenced in right earnest; the establishments for the conveyance of the district dak were placed on a permanent footing;<sup>5</sup> and rules were framed for the management of the post offices. Consequently, district post offices were established at all tahsil headquarters and important police stations.<sup>6</sup>

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1. Chesney, *Indian Polity* (London, 1894), p. 384; Cambridge History of India (Delhi, 1958), Vol. VI, p. 320.
  2. Imperial Gazetteer of India (Oxford, 1907), Vol. III, p. 418.
  3. For. Dept., Pol. Progs., 13 June 1856, No. 368.
  4. Ibid., No. 367.
  5. Avadh Administration Report, 1859-60, para 116.
  6. Ibid., 1860-61, para 117.

In those days the post office management had two systems; the general posts or Imperial posts, and the district posts or district daks. The Imperial post offices were managed and established by the postal department of the Government of India along the main lines throughout a province connecting the headquarters of the province with the district stations and large towns. The district posts had for their primary object conveyance of official correspondence in the interior of the districts, and they were controlled and organized locally by the district authorities. The district daks were also utilized for the purpose of public convenience to convey such private correspondence which were posted at any of the district offices or which were made over to the district posts by the Imperial post for delivery.<sup>1</sup> However, the private correspondence transmitted through the district posts were very small as compared with the official correspondence for which these institutions had been mainly designed. The postage for sending letters was fixed at half an anna a coyer.<sup>2</sup> Private letter, however, could be sent either pre-paid or bearing. In case of a bearing letter, the charge was realized from the addressee.

Postal mails were carried from one station to the other either by the mail carts or by the dak-runners. During the fair weather, the mail carts carried the mails at the speed of 7 miles per hour and the runners at the speed of 4 miles and 4 furlongs per hour<sup>3</sup>. From the district headquarters, the mails were carried to different stations and therefrom the letters were delivered and postage dues were realized by the regular and rural police. After the reorganization of the police in 1861, the postal duty greatly interfered with the proper duties of the police, and a large number of letters remained undelivered. During 1861-62, out of 162,055

1. Home Dept., Post Office Progs., April 1864, No 55.

2. Dalhousie's Minute of 28 February 1856. Vide Ramsay Muir, *The Making of British India* (Manchester, 1923) p. 366.

3. Ayadh Administration Report, 1871-72, para 584.

covers 37,974 were returned undelivered.<sup>1</sup> In view of this, a separate establishment for the delivery of private letters became essential.<sup>2</sup> To overcome this difficulty, Dr. Paton, the Director-General of the Post Offices in India, submitted in April 1863, a scheme for the amalgamation of the district and Imperial posts.<sup>3</sup> But the district posts could not be advantageously amalgamated with the general posts because the income from private correspondence was still very small. Thus, the district dak system continued as before a separate institution.<sup>4</sup> To ensure greater certainty in the delivery of letters it was proposed to appoint two delivery peons for each police station on a salary of Rs. 3 per month.<sup>5</sup> In addition to their monthly allowances, the delivery peons were to receive the delivery fees.<sup>6</sup> However, this proposal was open to an objection. The peon, whose remuneration depended upon his collection of delivery fees, would attempt to deliver only letters of the nearest villages and reserve those for more distant villages till a sufficient number had accumulated, making it worth his while to undertake their delivery. As it was not desirable to fetter the local authorities in matters like the organization of the district postal system<sup>7</sup>, the Government of India allowed the Chief Commissioner to work out his scheme and sanctioned an annual grant of Rs. 7,560 for delivery peons at 105 police stations of Avadh.<sup>8</sup>

In 1863, the Settlement Commissioner, Charles Currie devised a scheme with the consent of the Postmaster-General for the establishment of a postal delivery in every village of

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1. Avadh Administration Report, 1861-62, para 70.

2. Home Dept., Post Office Progs., April 1864, No. 54.

3. Ibid., No. 51.

4. Financial Dept., Expenditure Cons., May 1864, No. 82.

5. Home Dept., Post Office Progs., June 1864, No. 15.

6. Delivery fee was realized from the person to whom the letter was delivered at the rate of quarter an anna per cover.

7. Home Dept., Post Office Progs., September 1864, No. 10.

8. Ibid, No. 11.

the province. The cost of this establishment was to be met from the government grant and the dak cess, a cess of a quarter percent on the land revenue agreed upon by the landholders at the revised settlement in lieu of the postal management imposed upon them by Act XVII of 1854.<sup>1</sup> This scheme was introduced, in the first instance, in parts of Unnao and Pratapgarh districts; but as the regular settlement progressed and the dak cess became available in other districts, it was extended to those areas. Under the new scheme the districts were divided into circles; and in each circle a Postmaster, and an establishment of delivery peons were appointed.<sup>2</sup> The delivery peons distributed the letters in every village in their circles at least once a week.<sup>3</sup>

Besides carrying letters and parcels, the postal department in its initial stages, carried passengers also. This mode of travel was called travelling by *dak*.<sup>4</sup> The 'travelling dak' was carried by bullock-carts or carts drawn by horses, and on occasions by palanquins. The duty of supplying palanquin daks for travellers entailed much trouble and inconvenience to the post offices. In March, 1864, this irksome duty was transferred from the postal department to the local district officers. But, the system of travelling by dak had become rare to some extent by this time on account of the development of metalled roads and the introduction of railways. Horse carriages run by private companies rendered the travelling more comfortable and cheaper.<sup>5</sup> Because of this change, the district officers were relieved of this duty and the *chaudharies* were required to lay palanquin

1. Avadh Administration Report, 1867-68, pa. a 80.

2. Ibid., 1866-67; para 76.

3. Ibid., 1868-69, para 169.

4. An interesting account of this system is described in *Narrative of Journey Through India* by T. Landon (London, 1857), pp. 69-70.

5. Home Dept., Post Office Progs., September 1864, No. 3.

daks.<sup>1</sup> At each station one or more *chaudharies* were recognized for this purpose; and their names were posted in the staging bungalows so that the travellers might know at once the right persons to whom they had to apply for the palanquin daks.<sup>2</sup>

The introduction of the new scheme by Charles Currie and the sanction of the government for delivery peons, besides relieving the police of postal duties, materially improved the postal system in Avadh. In 1864, the postal lines covered a distance of 1494 miles,<sup>3</sup> which increased to 1,957 miles in 1868. Besides this, there were 425 delivery peons excluding the establishments of the Imperial post offices.<sup>4</sup> The number of Imperial post offices also multiplied during the period. Between 1860 and 1870, the number of Imperial post offices increased from<sup>5</sup> 19 to 81. The mail bags were carried 134 miles by mail carts, 834 miles by dak-runners, and 72 miles by railway.<sup>6</sup> Notwithstanding the appreciable increase in the number of post offices, the system of district delivery was quite imperfect and ineffective. Large number of letters were returned as 'undeliverable'. In 1869-70, the total number of letters returned by Avadh district posts as undelivered was 121,808 which was 30.72 percent of the total number of letters made over for delivery, whereas in the North-Western Provinces where the district post arrangements were supervised by the Imperial Department, the percentage of undeliverable covers for the same year was only 8.24.<sup>7</sup> The large portion of 'undeliverable' letters shows the inefficiency and inadequacy of the district

1. Home Dept., Post Office Progs., September 1864, No. I.

2. Chief Commissioner's Circular Order No. 94 of 1864. Vide A Digest of Chief Commissioner's Circular Orders upto the 31 December 1874 (Lucknow, 1875) p. 109.

3. Avadh Administration Report, 1864-65, para 76.

4. Ibid., 1868-69, para 168.

5. Home Dept., Post and Telegraph Cons. 'B', 8 April 1860, No. 19.

6. Avadh Administration Report, 1871-72, paras 581-83.

7. Financial Dept., Expenditure Cons. November 1870, No. 1.

delivery system in Avadh, which may be partly attributed to the laxity of supervision. The province of Avadh formed a part of the postal jurisdiction of the Postmaster-General of the North-Western Provinces with his headquarters at Agra, separated from Avadh by a long distance. Therefore, he could give very little attention to it, and the postal business of the province was supervised by a second grade Inspector attached to the North-Western Provinces Circle.<sup>1</sup> These difficulties were removed by separating the district post in Avadh from the postal jurisdiction of the North-Western Provinces; and it was transferred to the Imperial post in October 1870. Consequent upon this separation, Avadh was made a separate charge and a Chief Inspector of post offices was appointed with a proper office establishment to supervise the system. He exercised the powers of a Postmaster-General. This arrangement involved an additional cost of only Rs. 451.<sup>2</sup> But the amalgamation of the district post with the Imperial post had a salutary effect in Avadh. A system of free delivery and collection of letters was introduced, which enabled the rural population to receive and despatch their letters as speedily as the residents at the capital of the province did.<sup>3</sup> Further, the new arrangement resulted in swelling up the volume of letters and parcels handled by the post offices, and in ensuring a better delivery of the letters. In 1871, more than 200,000 additional letters were carried by the post offices in Avadh, and the percentage of letters returned on the number sent for delivery fell from 27 to 20 percent.<sup>4</sup>

### Charitable Dispensaries

The institution of charitable dispensaries has been recognized for its utility of serving the suffering humanity. In India the system has met with a favourable reception at the

1. Financial Dept., Expenditure Cons., November 1870, No. 2.

2. Ibid., No. 3.

3. Avadh Administration Report, 1871-72, para 593.

4. Ibid., para 593.

hands of the public because they render great benefit without involving huge expenditure. Before the advent of English rule, the system of medical treatment was purely indigenous. The rulers of Avadh always took interest in extending medical facilities to their subjects. Apart from a few *Hakims* under court patronage, private medical practitioners of the Unani system served the needs of the people. King Nasir-ud-din of Avadh had established a dispensary at Lucknow, which was known as the "Kings Hospital". It had an endowment of Rs. 360,000 invested in 4 percent loan.<sup>1</sup> A humble beginning was made in developing the institution of charitable dispensaries near about the time the British assumed the government of Avadh. A sum of Rs. 500 was sanctioned for each dispensary to meet the cost of building. An establishment<sup>2</sup> of a moderate size was also allowed for each dispensary. It was specifically laid down that such charitable dispensaries should be established one at each of the district headquarters as soon as the circumstances permitted.<sup>3</sup> A post of Superintendent of Dispensaries was created, but for the time being it was united with the office of the

1. Avadh Administration Report, 1865-66, para 169.

2. The establishment consisted of :-

	Rs.
1 Dreper	7
1 Compounder	5
2 Books @ 4 Rs.	8
1 Bhisti	4
1 Sweeper	4

Total : 28

Diet Allowance	10
Native medicines	6

16

Extra Allowances :

To Assistant Surgeons	Rs. 30
Sub-Assistant Surgeon	20
Native Doctor when in-charge	10

Vide For. Dept., Pol. Cons., 6 June 1856, No. 193, para 61.

3. For. Dept., Pol. Cons., 6 June 1856, No. 193, para 61.

Inspector of Prison. His duties were confined to general inspection and making suggestions for improvements. The entire medical control of the dispensaries was given to the Superintending Surgeon of the Circle.<sup>1</sup> By 1861, charitable dispensaries had been established almost at all district headquarters, and considerable progress made under the guidance of Civil Assistant Surgeons.<sup>2</sup> Vaccinators were also appointed in most of the districts. The dispensaries in Lucknow city were more popular, and therefore, well attended. The 'King's Hospital' was well maintained. It consisted of two branches—one conducted according to the English system under the management of the Civil Surgeon, and the other on the lines of the Unani system. The Unani branch was managed by a committee of local inhabitants.<sup>3</sup> Early in May 1864, the city hospital run on British lines was transferred to a newly built commodious building erected at a cost of Rs. 70,000, while the Unani branch of the hospital was lodged in the building vacated by the English branch<sup>4</sup>.

Besides government assistance, these dispensaries had another source of income, which came through private donations. It may be observed here that the people of Avadh were more liberal in contributing to the establishment of dispensaries than of any other province. In 1865, while in the neighbouring North-Western Provinces, at Agra and Allahabad there was no private subscription, at Lucknow it amounted to Rs. 2,421. In Avadh, no dispensary was entirely supported by the State.

In spite of an encouraging beginning, the dispensaries of Avadh did not function well. Their utility to the people was impaired because of inadequate management. It is noteworthy that no dispensary in the entire province of Avadh was placed

1. For. Dept., Pol Cons., 26 September 1856, No. 409.

2. Avadh Administration Report, 1860-61, para 165.

3. Ibid., 1865-66, paras 169-170.

4. District Gazetteer of the United Provinces, Vol. XXXVII (1922), p. 128,



in charge of a Sub-Assistant Surgeon, while at least six of them on account of their importance and utility, were entitled to have a Sub-Assistant Surgeon under the rules in force in the North-Western Provinces.<sup>1</sup> To ensure the efficiency and smooth functioning in the dispensaries of Avadh, rules for management were framed which came into force from June 1867.<sup>2</sup> The new rules were, by and large, the rules of management applicable to the Punjab dispensaries with modifications to suit the conditions in the province of Avadh.<sup>3</sup> Under these rules, the Deputy Surgeon General was ex-officio Inspector General of Dispensaries. Subject to his control, the general management of the dispensaries was conducted under the direction of a local committee consisting of the Commissioner of the Division, the Deputy Commissioner and the Civil Surgeon with such other local residents, European or Indian, who were appointed by the government, from time to time, on the recommendation of the committee. The committee had the power to appoint or dismiss the servants and officers of dispensaries except the Superintendent and Assistant Surgeon in-charge, with the concurrence of the Deputy Surgeon General.<sup>4</sup> All dispensaries receiving aid from the government were divided into three categories: first, second, and third on the basis of establishment and scale of charges. The government contributed in respect of first class dispensaries the pay of Superintendent, Sub-Assistant Surgeon and compounder; in respect of second class the pay of Superintendent, Indian doctor, and compounder; and in respect of third class dispensaries the pay of the doctor and compounder subject to the following conditions :

(i) That the class of dispensary shall be determined on the basis of the population of the district or the number of the cases treated.

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1. Financial Dept., Expenditure Cons., July 1868, No. 388.

2. Ibid., No. 393.

3. Ibid., No. 388.

4. Chief Commissioner's Circular Order No. 48 of 1867. Vide A Digest of the Chief Commissioner's Circular Orders upto 31 December 1874 (Lucknow, 1875), 121-22.

(ii) That a building suitable for the purpose be provided for.

(iii) That, except the government grant, all expenditure including charges for the repair and maintenance of the dispensary building were met from the local resources.

The names of all benefactors to dispensaries donating to the extent of Rs. 10 or upwards were recorded in English and Vernacular, and displayed at a conspicuous place in the dispensary building while the names of all those who contributed Rs. 50 or upwards were submitted for the information of the Local Government <sup>1</sup>

In 1867, a Civil Surgeon was appointed in each district, and Sub-Assistant Surgeons were attached to the dispensaries of Faizabad, Sitapur,<sup>2</sup> and Rae Bareilly. With a definite and progressive system now in force, the number of dispensaries gradually increased. In 1867-68, the number of dispensaries in the province was 20. Of these, 12 dispensaries were established at the district headquarters; 6 were branch dispensaries; and 2 were endowed dispensaries in the city of Lucknow.<sup>3</sup> In 1874, the number of dispensaries receiving government aid increased to 29 and the Local Government aid figured at Rs. 24,168.<sup>4</sup> In the same year new rules for a system of regulated grants-in-aid for dispensaries were published. The government now granted a limited supply of European medicines and instruments free of cost. The appointments of Assistant Surgeons, and hospital Assistants were made by the Deputy Surgeon

1. Financial Dept., Expenditure Progs., July, 1868, No. 388.

2. The Civil dispensary at Sitapur was established immediately after the mutiny. In 1860, a building was erected for indoor patients. Vide District Gazetteers of the United Provinces (Lucknow, 1923), Vol. XL, Sitapur District, p. 117.

3. Avadh Administration Report, 1867-68, paras 96-97.

4. Chief Commissioner's Circular Order No. 28 of 1874. Vide A Digest of the Chief Commissioner's Circular Orders upto 31 December 1874 (Lucknow, 1875), pp. 114-115.

General. Half of the amount of their salaries was paid by the government, and the rest was met from the dispensary fund.<sup>1</sup>

As regards the organization of charitable dispensaries, the progress was very slow and unsatisfactory throughout the country. In 1880, the total number of public hospitals and dispensaries was only about 1,200.<sup>2</sup> This slow progress of medical facilities in India, particularly in Avadh, may be ascribed to two main reasons: first, the reservation of the government in granting sufficient funds; secondly, the lack of proper management and trained officers.

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1. Chief Commissioner's Circular Order No. 28 of 1874. Vide A Digest of the Chief Commissioner's Orders upto 31 December (Lucknow, 1875), p. 116.
  2. Imperial Gazetteer (Oxford, 1907), Vol. IV, p. 462.

## CONCLUSION

The province of Avadh came under British rule in 1856. It included an area of 23,992 square miles and a population of 11.25 millions, paying Rs. 13,000,000 annually as land revenue in 1877. Geographically, it was surrounded on three sides by the North-Western Provinces and on the fourth by Nepal.<sup>1</sup> Divided into 4 Commissionerships and 12 districts, the province had a controlling staff of about 96 officers for its civil administration which cost about Rs. 1,012,800.<sup>2</sup>

After annexation to British India territories, the province was organized into a separate administration for two obvious reasons; firstly, to maintain its distinct identity for some-time, and, secondly, to accustom its people to the British system of administration.

After 1870, the amalgamation of Avadh with the North-Western Provinces was discussed from time to time as a measure of relief to the financial difficulties of the Government of India. In 1870-71, John Strachey, the Chief Commissioner of Avadh, and William Muir, the Lieutenant Governor of the North-Western Provinces were strongly in favour of this measure. In the beginning of 1873 it was discussed between William Muir and George Couper, the then Chief Commissioner of Avadh. Both of them were unanimous in their opinion on the expediency of the measure.<sup>3</sup> But William Muir suggested to Lord Northbrook, the Governor-General that since his term of office was shortly to expire,

1. Public Despatch from the Government of India to the Secretary of State, 26 January 1877, No. 5, Vide Home Dept., Public Progs., January 1877, No. 235.
2. Home Dept., Public Progs., January 1877, No. 234.
3. Note by William Muir, 15 July 1876. Vide Home Dept., Public Progs., January 1877, Nos. 230-35.

it would be unfair on his part to introduce the change, which should be left to be worked by his successor. Therefore, he suggested that the change should be deferred till the appointment of his successor. The Governor-General accepted the suggestion of William Muir and the proposed change was postponed.<sup>1</sup> The intended measure caused some anxiety among the people of Avadh. The taluqdars, in particular, were afraid that the amalgamation would adversely affect their special position and privileges.<sup>2</sup> Faced with this situation, Lord Northbrook visited Lucknow in 1873, and impressed upon them that the project was indefinitely postponed,<sup>3</sup> though it was never abandoned.

As regards the expediency of combining the administration of Avadh with that of the North-Western Provinces on grounds of general and financial policy, there was no difference of opinion among the high administrative authorities. The reasons which led the Government of India to establish a separate administration in Avadh had by this time ceased to have any weight. The province had become accustomed to the British rule. More difficult and vexed questions connected with the rights of the taluqdars and other classes in the land had been decided; the respective right of all parties had been determined and distinctly defined by law; and the settlement and the assessment of land revenue had almost been completed.<sup>4</sup>

On the other hand, the administration of the North-Western Provinces and the Punjab had, on the whole, been more successful than that of Avadh. It was mainly due to

1. Note by William Muir, 15 July 1876. Vide Home Dept., Public Progs., January 1877, Nos. 230-35.
2. Home Dept., Public Progs., B, September 1875, Nos. 71-72. See article on Agitation over amalgamation of Avadh with the North-Western Provinces, by Nand Lal Chatterjee. Vide Journal of Indian History Congress, 1946.
3. Note by William Muir, 15 July 1876.
4. Home Dept., Public Progs. B, January 1877, No. 235.

the fact that the merits of the non-regulation system had lost their effect in Avadh because of the tendency to stagnation in promotion in a small commission. Besides, the administrative difficulties in Avadh were greater as compared with those in a larger province like the North-Western Provinces. Therefore, amalgamation with a large province was considered desirable.

On account of the compactness of its area, the identity of the character of its population with that of the adjoining North-Western Provinces and similarity in other respects and facilities of communications, Avadh was, indeed, geographically and physically a part of the North-Western Provinces. On grounds of general policy, therefore, it was practicable and convenient to combine the administration of the two provinces.

On financial grounds, too, there was no need of two separate and needlessly large superior establishments for the two provinces when a common agency would suffice for both provinces. In Avadh a considerable increase was felt necessary in the subordinate part of the revenue administration which was undermanned and under-paid. The reductions in the supervising agencies, consequent upon the amalgamation were to provide for this increase without any addition in the cost of administration. Thus, the economy of the measure was manifest.<sup>8</sup>

As regards the mode of effecting the amalgamation, the best way was to appoint one officer to be both Chief Commissioner and Lieutenant Governor, leaving other matters as they were.<sup>9</sup> This manner of carrying out the measure was likely to cause the least disturbance of the existing arrangements. To the taluqdars of Avadh it was not to be distasteful because no change was to be introduced

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1. Home Dept., Public Progs., January 1877, No. 235.

2. Note by E. C. Bailey, 16 December 1876. Vide Home Dept., Public Progs., January 1877, Nos. 230-35.

in the system of administration and in the special laws which affected them. It could also not be an object of concern to the people of Avadh in general.<sup>1</sup> Further, it would be beneficial to the officers of the Avadh Commission, who would have a larger sphere of employment and a greater opportunity of promotion. Moreover, if it was found desirable subsequently to revert to the former arrangements for any cause, it would be possible to do so by simply filling up the appointment of the Chief Commissioner.<sup>2</sup>

In view of the foregoing, the Government of India decided to combine the offices of Lieutenant Governor of the North-Western Provinces and Chief Commissioner of Avadh. Soon, a suitable occasion was at hand. The Lieutenant Governorship of the North-Western Provinces had fallen vacant.<sup>3</sup> The Governor-General-in-Council declared, therefore, to transfer the Chief Commissioner of Avadh to it and authorized him to exercise the functions of both offices within each province respectively. He was also required to reside at Lucknow for a portion of the year.<sup>4</sup> On 17 January 1877, George Couper, Chief Commissioner of Avadh was also appointed Lieutenant Governor of the North-Western Provinces. J.F.D. Inglis<sup>5</sup> was to continue to officiate as Chief Commissioner of Avadh until the period, for which the Secretary of State had extended his term of service, had expired.<sup>6</sup>

1. Note by Lord Lytton, 31 December 1876. Vide Home Dept., Public., Progs., January 1877, Nos 230-35.

2. Home Dept., Public Progs., January 1877, No. 235.

3. Note by Lord Lytton, 31 December 1876. Vide Home Dept., Public Progs., January 1877, Nos. 230-35.

4. Home Dept., Public Progs., January 1877, No. 230.

5. John F. D. Inglis had been appointed officiating Chief Commissioner of Avadh in place of George Couper, who had been transferred to the North-Western Provinces as officiating Lieutenant Governor sometime prior to his substantive appointment.

6. Home Dept., Public Progs., January 1877, No. 231.

Thus, the province of Avadh was joined with the North-Western Provinces only to form a single charge. It was not absorbed into that province. Its system of administration and laws remained in tact and Lucknow was to continue as the capital. The immediate result of this change was a saving in the salary of the Chief Commissioner, followed by a reduction in some of the establishments of the two provinces. The duties of several administrative departments in Avadh were to be transferred gradually whenever opportunity was offered.

After presenting a full-length account of British administration and its progress in Avadh during 1858-77, it is obvious that British Government was throughout guided by financial considerations and in some branches of administration the pursuit of economy affected the efficiency of administration and the interests of people.

In 1858, the police force had been organized in Avadh on a semi-military basis for the specific purpose of suppressing the rebellion and maintaining order. After the restoration of peace, it was transformed into a civil body. But for a long time the organization of the police underwent a process of experimentation which consistently aimed at reduction of police expenditure. Ultimately, the police expenditure was reduced from approximately Rs. 26 lakhs in 1859 to Rs. 10 lakhs in 1864. This economy reduced the police force to a strength hardly adequate for maintaining order, checking crime and affording security of life and property to the people of Avadh. In respect of law and order, the expectations of the people of Avadh remained unfulfilled to a considerable degree.

The aim of judicial establishments was to enforce civil liabilities. Various tribunals, which had hitherto been unknown in Avadh, were instituted with expeditious and trustworthy means of rendering justice to the people. Sincere endeavours were made to apply a judicial process to the courts of Avadh, which might be less incumbered with those



technicalities that characterized the judicial system of the British in India. *Lex loci* was allowed prominent place. The people of Avadh suffering from the misrule of the late government followed by the upheavals of the mutiny needed cheap and prompt justice. But the union of judicial work with the executive in one set of officers was not suited to their conditions. Moreover, enormous work of revenue administration, owing to a shortage of hands, demanded their full time attention. Besides, the stamp duty on legal processes and high fees demanded by legal practitioners raised the cost of litigation. Consequently, the object of prompt and cheap justice was easily defeated

The innovations of British rule in the fields of education and public welfare activities had most salutary effects on the people. An elaborate scheme of Western education was introduced by the administration. Heretofore, education, the most effective instrument of mental advancement, had been considered almost a private affair of the people. For the first time, it was undertaken as a government responsibility. In the two decades of the British rule (1859-77), schools were established within easy distances throughout all the districts, and equal opportunities were provided to every child, of whatever position in life and creed, for acquiring education. Expedient means were adopted to encourage female education. In the beginning, the object of educational institutions were misunderstood by some sections of the people. But as the usefulness of western learning had been sufficiently demonstrated, the opportunities of acquiring knowledge were eagerly welcomed by the people. An additional impetus was given to free exchange of thought by the cheap and efficient organization of the post office.

The most effective and judicious method by which the government could promote the material well-being of its people was the provision of easy and cheap means of transport for trade. Before 1856, the means of communication

were extremely limited and crude. The most common source of outlets was the great river thoroughfares, which were generally reached by difficult and dangerous cart-tracks. During this period, great progress was made in providing the province with modern means of transport and communication. Besides numerous unmetalled roads which were repaired and made spacious, excellent metalled roads were constructed to connect most of the principal towns. A special department was entrusted with the task of repairing and preserving them. A net of railway lines was spread within the province which linked the principal marts and centres of trade and connected Lucknow with important towns outside and at the frontiers of the province.

The most important branch of government which vitally touched the prosperity of the inhabitants was revenue. The great rebellion of 1857 introduced a new factor which led to a reversal in the land policy of the British Government. The cultivators, during the revolt, had supported the taluqdars. The government was disillusioned to learn that the cultivators, whose welfare was its main concern after the annexation, could not be relied upon for support. On the other hand, the taluqdars in Avadh were powerful, influential and capable of resisting the tides of rebellion against the government, if they could be attached to the government by preferential treatment and bestowal of privileges. In consequence, Canning moved steadily away from the policy of Dalhousie. The political necessity of pacifying the country and enlisting the taluqdars on the British side led him to declare the taluqdari system to be the ancient, indigenous and cherished system of the country. A taluqdari settlement was made without providing any adequate safeguard for the interests of the cultivators. Wingfield, determined to make taluqdars all powerful, exploited the absence of adequate safeguards to the extreme in the interests of the taluqdars, ignoring the rights of under-proprietors and tenants. Lawrence endeavoured to support the cause of the common cultivators, but he could

achieve little. The Rent Act of 1868, enacted to protect the tenants from the taluqdars, afforded much less protection against eviction and enhancement of rent than was expected and the condition of non-proprietary cultivators gradually deteriorated. The lands were assessed at a high rate, which resulted in an increase of land revenue by 40 percent over the government demand under the late government.

Although land was the main source of revenue, the British Government derived considerable revenue from other miscellaneous sources. Under the Nawabs, the people of Avadh paid scarcely any tax other than the land tax; but the British Government managed to get the maximum revenue from all possible sources. The major sources of miscellaneous revenues were assessed taxes, salt, opium, excise and stamp duties. In 1858, these sources together yielded about Rs. 15 lakhs, of which 8 lakhs were derived from salt, 5 lakhs from spirits and drugs and 2 lakhs from the stamps. At the close of our period at least a sum of Rs. 20 lakhs was derived from salt duty; while the income from excise and stamps rose from 5 and 2 lakhs to not less than 7 and 9 lakhs respectively. Thus, Avadh was one of the most heavily taxed provinces. The inexorable regularity of government demand and application of severe coercive measures in the realization of revenue caused much hardship to the people. The British Government received from all sources a revenue amounting to about Rs. 18,650,000 annually, and after paying Rs. 5,650,000 as the cost of administration, a surplus of Rs. 13,000,000 was credited per year to the imperial exchequer. If the British Government had spent that considerable surplus on the administrative and material improvement of Avadh, the change of rule from Indian to British hands would have been much more beneficial to the people.

## APPENDIX I

### **Suits instituted in the Judicial Courts of Avadh for the years 1867-1874**

Years	Number of civil suits instituted	No. of offences reported
1867	22,538	50,842
1868	25,018	86,755
1869	28,091	95,666
1870	28,925	81,172
1871	34,294	72,265
1872	41,623	96,122
1873	39,045	93,806
1874	36,762	79,263

## APPENDIX II

### Proposed Establishments and cost of the Avadh Police in 1859

#### *European Officers*

Number	Officers	Scale of pay per month	Total
1	Chief of Police	Rs. 1,800	Rs. 1,800
1	Assistant to the Chief of Police	Rs. 800	Rs. 800
12	District Superintendents :		
	2 of First Class each	Rs. 1,000	Rs. 2,000
	4 of Second Class „	Rs. 800	Rs. 3,200
	6 of Third Class „	Rs. 600	Rs. 3,600
6	Officers learning duty	Rs. 400	Rs. 2,400
1	Superintendent of Lucknow City Police	Rs. 600	Rs. 600
21		Total :	<u>Rs. 14,400</u>

#### 14 Native Commandants

1	Commandant of Cavalry	Rs. 450	Rs. 450
2	Commandant of Infantry of First Class each	Rs. 400	Rs. 800
2	Commandant of Infantry of Second Class each	Rs. 350	Rs. 700
3	Commandant of Infantry of Third Class each	Rs. 300	Rs. 900
3	Commandant of Infantry of Fourth Class each	Rs. 250	Rs. 750
3	Commandant of Infantry of Fifth Class each	Rs. 200	Rs. 600
		Total :	<u>Rs. 4,200</u>

Police Cavalry 14 Troops      Rs. 38,641  
Police Infantry 13 Regiments      Rs. 72,839

#### Office Establishments

	Chief of Police	Rs. 800
12	District Superintendents	Rs. 1,020
		<u>Rs. 1,820</u>

Total Cost per month      Rs. 131,900  
Total Cost per year      Rs. 1,582,800  
Annual Saving by the proposed scale      Rs. 1,081,518

### APPENDIX III

#### Statement of various offences for the years 1964-1976

Years	Robbery	Rioting and unlawful assembly	Theft by house breaking	Theft simple	Theft of cattle	Murder and attempts to murder
1864	174	131	5,745	4,325	861	134
1865	143	118	10,457	6,038	1,227	124
1866	137	186	7,777	5,707	1,188	128
1867	86	234	25,983	10,566	1,686	109
1868	88	246	33,413	14,076	1,522	142
1869	152	322	40,348	18,345	1,478	136
1870	189	382	36,478	16,268	1,317	145
1871	193	495	37,452	16,542	3,366	134
1872	200	327	52,228	24,362	3,379	113
1873	251	365	44,948	24,020	3,888	137
1874	167	392	31,043	21,159	2,154	125
1875	156	312	29,155	20,576	1,636	109
1876	185	283	27,663	20,521	1,300	133

## APPENDIX IV

### **Confiscation Proclamation of March, 1858.**

(Proclamation)

The army of His Excellency the Commander-in-Chief is in possession of Lucknow, and the city lies at the mercy of the British Government, whose authority it has for nine months rebelliously defied and resisted.

This resistance, begun by a mutinous soldiery, has found support from the inhabitants of the city and the province of Oudh at large—many who owed their prosperity to the British Government, as well as those who believed themselves aggrieved by it, have joined in this bad cause, and have ranged themselves with the enemies of the state.

The capital of their country is now once more in the hands of the British Troops. From this day it will be held by a force which nothing can withstand, and the authority of the Government will be carried into every corner of the Province.

The time then has come at which the Right Hon'ble the Governor-General of India deems it right to make known the mode in which the British Government will deal with the Talookdars, Chiefs and Landholders of Oude, and their followers.

The first care of the Government will be to reward those who have been steadfast in their allegiance at a time when the authority of the Government was partially overborne, and who have proved this by the support and assistance which they have given to British Officers.

Therefore, the Right Hon'ble the Governor-General hereby declare that Drigbijjei Singh Rajah of Bulrampore,

Koolwunt Singh Raja of Pudnaha, Rao Hurdeo Buksh Singh of Kutiaree, Kashee Purshad Talookdar of Sissaindee, Zubr Singh Zemindar of Gopal Khair, and Chundee Loll Zemindar of Moraon (Baiswarah) are henceforward the sole hereditary proprietors of the lands which they held when Oude came under British rule, subject only to such moderate assessment as may be imposed upon them, and that these loyal men will be further rewarded in such manner and to such extent as upon consideration of their merits and their position the Governor-General shall determine.

A proportionate measure of reward and honor according to their deserts will be conferred upon others in whose favour like claims may be established to the satisfaction of the Government.

The Governor-General further proclaims to the people of Oude that with the above mentioned exceptions the proprietary right in the soil of the Province is confiscated to the British Government, which will dispose of that right in such manner, as to it may seem fitting.

To those Talookdars, Chiefs and Landholders with their followers, who shall make immediate submission to the Chief Commissioner of Oude, surrendering their arms and obeying his orders, the Right Hon'ble the Governor-General promises that their lives and honor shall be safe, provided that their hands are not stained with English blood murderously shed. But as regards any further indulgence which may be extended to them, and the condition in which they may hereafter be placed they must throw themselves upon the justice and mercy of the British Government

As participation in the murder of Englishmen or Englishwomen will exclude those who are guilty of it from all mercy, so will those who have protected English lives be especially entitled to consideration and leniency.



## APPENDIX V

### **Form of Sanad Issued to the Taluqdars of Avadh**

Know all men that whereas by the Proclamation of March 1858 by His Excellency the Right Hon'ble the Viceroy and Governor-General of India, all proprietary rights in the soil of Oudh, with a few exceptions, were confiscated and passed to the British Government, which became free to dispose of them as it pleased, I Charles John Wingfield, Chief Commissioner of Oudh, under the authority of His Excellency the Governor-General of India in Council do hereby confer on you the full proprietary right title and possession of the estate of.....consisting of the villages as per list attached to the Kuboolyut you have executed, of which the present Government revenue is.....  
..... Therefore this sunnud is given you in order that it may be known to all whom it may concern, that the above estate.....been conferred upon you and your heirs for ever, subject to the payment of such annual revenue as may from time to time be imposed, and to the conditions of surrendering all arms, destroying all Forts, preventing and reporting crime, rendering any service you may be called upon to perform, and of showing constant good faith, loyalty, zeal and attachment to the British Government according to the provisions of the engagement which you have executed, the breach of anyone of which at any time shall be held to annul the right and title now conferred on you and your heirs.

It is also a condition of this grant that you will so far as is in your power promote the agricultural prosperity of your estate, and that all holding under you shall be secured in the possession of all the subordinate rights they formerly enjoyed. As long as the above obligations are observed by you and your heirs in good faith, so long will the British Government maintain you and your heirs as proprietors of the above mentioned estate, in confirmation of which I herewith attach my seal and signature.

## APPENDIX VI

### Statement Showing Duration of land Revenue Settlement in Avadh in 1878

Nature of Settlement	Area in miles	Annual revenue assessed		
		Rs.	As.	Ps.
Settled in perpetuity.	1,895	848,400	6	0
Settled for 30 years or upwards.	21,205	13,501,947	7	5
Settled for 10 years and under 30.	40	5,133	0	0
Settled under 10 years	20	4,529	0	0
Settlement in progress	96	—	—	—
Total :—	23,256	14,360,009	13	5

## APPENDIX VII

### Statement Showing Assessments in the Summary and Regular Settlement in the Districts of the Province of Avadh in 1879

Districts	Summary jama excluding cesses			Revised jama excluding cesses		
	Rs.	As	Ps.	Rs.	As,	Ps.
Lucknow	689,965	0	4	782,220	1	0
Unnao	1,307,724	0	0	1,348,240	0	0
Barabanki	1,102,004	0	0	1,574,503	0	0
Sitapur	939,897	0	0	1,310,606	0	0
Hardoi	1,016,712	0	0	1,373,297	0	0
Kheri	491,922	5	4	842,540	0	0
Faizabad	869,628	6	6	1,160,462	0	0
Bahraich	540,596	0	0	967,558	0	0
Gonda	983,928	11	7	1,543,934	11	0
Rae Bareli	975,898	7	4	1,288,764	8	4
Sultanpur	901,737	0	9	1,183,197	7	4
Pratapgarh	728,285	0	0	984,687	1	4
Total :—	10,548,397	15	10	14,360,009	13	5

## APPENDIX VIII

### Statement showing the number of schools and scholars on rolls on 31 March 1876

Institutions	Number	Enrolment on 31 March 1876
Village schools	1,133	46,254
Town Schools	83	4,072
Middle Schools—Vernacular	52	5,042
Middle Schools—Anglo-Vernacular	31	3,527
High Schools	16	2,966
Superior Instruction College	1	77
Special Schools and Departments	9	562
Female Schools	95	2,711
Total :—	1,420	65,211

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